

# **UNDERSTANDING SUCCESS: A Framework For Evaluating Mediation Outcomes**

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## **ABSTRACT**

Despite an ever widening base of literature in the field of conflict management, the seemingly simple question of what is meant by 'success' in the context of mediation outcomes remains unsatisfactorily addressed.

As such, a framework intended to begin to rectify this has been developed out of two basic theories. The first suggests that success is not, as it is often depicted, a singular phenomena, but rather that it exists on a continuum of possible mediation outcomes. To this end, a continuum is created indicating the extremes of success and failure and suggesting a transitory zone within which success at its most modest and failure at its most marginal meet. It is suggested that it is by identifying what distinguishes success at this point that it can best be understood.

The second theory, suggesting that mediation outcomes are ongoing social processes, rather than discrete, singular events is then utilised to inform the selection of a number of determinant factors it is suggested may feature in separating success from failure. These are: the nature of the agreement, re-entry, impact and durability.

In order to advance these theories, the framework is tested by way of two detailed qualitative case studies; Camp David and the Oslo process. As a result of this testing, it is suggested that while one study alone cannot hope to comprehensively address such a broad concept as that of success, a number of conclusions can be made that reinforce the merits of placing success on a continuum. The practical method of tracing the developmental process of a mediation outcome also delivers some interesting insights into the manner in which post agreement features of a mediated agreement, such as re-entry and durability may actually serve as more useful indicators of success than a simple impact assessment.

The thesis finishes with some practical suggestions for both conflict management research and policy making.

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**INTRODUCTION:****What Is Success And Why Does It Matter?**

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“Trumpets For A Day Of Glory”<sup>1</sup> blared the New York Times headline of September 14, 1993, as back channel negotiations between the Israeli Government and the Palestine Liberation Organization bore fruit with the announcement of the Oslo Accords. Contained within the accords were an array of agreements regarding the future of both the Israeli and Palestinian peoples that hinted at the once inconceivable; peace in the holy land. Of course, the accords were only ever intended as a stepping stone, the first building blocks of a better future, rather than a guarantee of peace themselves. However, the magnitude of there being any sort of agreement between the two former enemies, combined with the rich symbolism of Yitzhak Rabin and Yasser Arafat’s signing of the *Declaration Of Principals* on the White House lawn, gave the Oslo Accords the appearance of being “an historic turning point in the Middle East”,<sup>2</sup> and a diplomatic triumph of the highest order. Rabin and Arafat, along with Israeli foreign minister Shimon Peres, were jointly named Nobel Peace laureates and the world had witnessed the highest profile example of successful conflict management in the post-Cold War era.

Less than a decade after Rabin and Arafat’s famous hand-shake, however, the ‘success’ of the Oslo process seems less certain. Voices of dissent from the time have been amplified by an all too familiar cycle of assassination, military incursion and terrorism, and the headlines of today contrast starkly with those of 1993 while ignoring gains that were made subsequent to the Accords’ ratification. The Oslo Accords’ ‘Trumpets of Glory’ have been drowned out by “The Battle Of Bethlehem.”<sup>3</sup>

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<sup>1</sup> New York Times, September 14, 1993.

<sup>2</sup> New York Times, September 11, 1993.

<sup>3</sup> Christchurch Press, April 3, 2002.

How does one evaluate and define an event like the Oslo peace process? Does its ground-breaking nature constitute a success, or does the region's tragic return to violence in recent years imply failure alone? Indeed, *what is success* in such a situation? It is a simple question, but one that the field of conflict management has yet to address in a comprehensive manner.

Given the considerable amount of work focused on discerning conditions for successful conflict management episodes,<sup>4</sup> it is the height of irony that so little work has been focused on developing a clear understanding of what success itself entails. Too often, it seems success is either lazily assumed to be a universally understood concept or, alternatively, is defined on a case by case basis in an arbitrary and poorly reasoned manner. Equally often, it seems, much focus is placed on assessing mediation agreements alone, ignoring the ongoing nature of any conflict management. In an eagerness to establish 'end points' for framing evaluation, results are provided that may not be in sync with the developing realities of a given situation. Furthermore, the array of possible success indicators utilized by those attempting a definition of success is so diverse that most ultimately only address one or two aspects of what might be incorporated in a truly thorough understanding of success. Put simply, there is a noticeable gap in the literature of conflict management for some more comprehensive discussion of what success entails.

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<sup>4</sup> For example, see Zubeck, Josephine. Pruitt, Dean. Peirce, Robert. McGillicuddy, Neil. Syna, Helena. "Disputant And Mediator Behaviour Affecting Short Term Success In Mediation" in Journal Of Conflict Resolution, Vol. 36, 1992 or Kleiboer, Marieke. "Understanding Success And Failure Of International Mediation" in Journal Of Conflict Resolution, Vol. 40, June 1996. p. 370



This thesis contests, therefore, that success in mediation may best be understood by way of a continuum of possible mediation outcomes. Existing on this continuum, it is suggested, is a transitory zone within which the ‘modest extremes’ of success and failure are housed and that it is by considering a range of determinant factors that one can establish the success or failure of a given event. From this, further conclusions can then be drawn about the nature of success. Of course, such a creation will serve more as a rudimentary framework for the development of an improved understanding of mediation outcomes, than as a comprehensive tool for defining success. However, it is contended that this is ultimately of more value than making any attempt at creating an ‘absolute’ definition of success, a task it is suggested, is not practically possible.

Of course, to the layperson, any attempt to fill this perceived gap in the literature and create a well defined framework for understanding success in conflict management may seem somewhat pedantic. Surely all that matters is that those involved in a conflict management episode, be they disputants or third parties, have an innate understanding of what they deem success in the circumstances at hand? Any further consideration is of no practical necessity. Furthermore, the potential complexity of trying to further the understanding of such an ultimately abstract term in such an inexact science, only to potentially face the same criticisms as those that went before it, may seem like a difficult and potentially fruitless task. However, in reality, this undertaking should not be viewed as pedantic nor futile. There are a number of reasons for this.

A clear understanding of what success is and what it entails is vital to the development of conflict management theory. If successful episodes can be fully analyzed there is some hope of replicating that success in future endeavors, the benefits of which are obvious. However, without a clear and defensible explanation of how success is to be understood, this undertaking can be called into question. Should the events surrounding the Oslo process be held up as a shining example of how to forge towards a successful conflict management episode, or should research address the flaws in the process that lead to its failure? What will be learnt from the experience is largely dictated by how its outcome is defined and, hence, it is important that definition is borne out in the most comprehensive, transparent manner possible. Likewise, studies attempting to discern common trends or dominant factors in successful mediation episodes will return results influenced at least in part by what conception of success was utilized in selecting case studies. Hence, without a clear understanding of what success may be considered to entail, a study's results have no true context.

On a more immediately practical front, the creation of a framework for understanding success may provide a useful tool for mediators and disputants alike. Ascertaining what features of a conflict outcome may be instrumental in suggesting it to be either a success or a failure and in suggesting means for their investigation, for example, could suggest much for the assessment of mediation outcomes, and hence what can be learnt from them.

Much of this thesis will focus upon the understanding of various concepts and terminologies. For the most part, they will be defined as they are required. However, two basic concepts require explanation from the outset.

Conflict management is essentially a generic term for any and all approaches for dealing with conflict situations. In a broad sense, one could assume this to involve the use of military force and other conflictual behavior. Conflict management does not necessarily imply conflict abrogation. However, in general, and for the purposes of this thesis, conflict management should be understood as a blanket term for the broad range of methods utilized in the hope of halting or harnessing conflictual behavior and (peacefully) settling points of contention. These include, among other things, negotiation, arbitration adjudication, and mediation itself.

Mediation is a means of conflict management in which conflicting parties gather to seek solutions to their problems, accompanied by a mediator who serves to facilitate discussion and the flow of information, aiding in the processes of reaching agreement. An informal process (notwithstanding the protocol associated with higher level mediation episodes in the political arena) mediation follows no set process or structure. Furthermore, its functionality is derived from its facilitative nature, it does not have any direct legal basis or institutionalized authority. For this reason perhaps, it tends to be the conflict management technique most widely utilized in the international environment, where there is seldom an adjudicatory power capable of dealing with issues of conflict. In keeping with their informal nature, the assumption is also made that mediation episodes are informal undertakings. Certainly, there are pressures involved in the decision to enter into mediation, particularly in the

international environment, but the final decision to participate must be that of the participant, not a matter of duress. Otherwise, the very nature of mediation is called into question. The relevance of this factor will become apparent in the following chapters.

Although the information presented in this thesis will be derived from across a broad range of mediation, conflict management and social science sources, its focus as regards practical application, is the mediation of international and major internal armed conflicts. As well as being the author's area of interest, these sorts of conflicts are particularly suited to the informal, non-judicial approach of mediation. Furthermore, the complex nature of such conflicts also means they are particularly well suited to highlighting both the difficulties of, and the need to, create a framework for better understanding success.

In order to complete this task, the thesis shall unfold as follows; Following this introductory chapter, chapter two will introduce the reader to the array of difficulties inherent in the evaluation of any phenomena in the social sciences. When boldly stating that a particular task has been left undone too long, it is important to understand why. In this case, much of the answer may lie in understanding the complexity of social science evaluation. Defining a given event as a success or failure is often the ultimate goal of an evaluatory process. As such, failure to provide a framework for making such definitions may be a result of problems with the evaluatory process. An array of potentially salient problems associated with the evaluation of social science phenomena are thus discussed in this chapter. The purpose behind this is both to highlight why success may not have been as thoroughly

addressed as might be ideal, and also to suggest issues that must be taken into account if one has any intention of rectifying that situation.

Having considered the potential hindrances to defining success that are presented by the nature of social science evaluation, it is then important to consider the manner in which the task of understanding success has been addressed in the conflict management field. Chapter three focuses on this, with a consideration of a range of approaches utilized that suggest a variety of possible means for addressing the question of success. In many cases the ideas discussed are not specifically addressing the question of defining success. As suggested, it is an under-researched question. However, they regularly imply understandings of what success must entail in their discussions of other topics from which ideas about the nature and interpretations of success can be 'reverse engineered' after a fashion. Many of these approaches present competing possibilities and, superficially there is little compatibility between them. However, understanding the range of possibilities already present in conflict management literature is important in creating a new approach.

Having done this, chapter four will focus on the creation of a framework for success. The intent is that it will be at once comprehensive, simple and practical. In utilizing and refining many of the possibilities for framing success discussed in chapter three, and addressing the difficulties of evaluation highlighted in chapter two, it is believed that a comprehensive approach to the issue can be provided. The first half of the chapter sees to this with the creation of the framework and its explanation. It is also hoped that in distilling the issues of the first two chapters in a comprehensive

fashion, a degree of parsimony will be provided. The second half of the chapter, meanwhile, sets about providing a practical aspect for the framework, by suggesting the practical means for its operationalization. While generally frameworks are created as tools for framing real world outcomes, in this instance it is the case studies that shall be utilized equally as much to elaborate on the nature of the framework itself.

This is seen in chapter five. The practical guidelines discussed in the previous chapter are utilized in the undertaking of two case studies; the Camp David Accords of 1978 and the Oslo Accords of 1993. As suggested, the intention of these studies is to assess the functionality and practical merit of the theoretical aspects of the framework. Each case shall be explained according to a series of indicators provided by the previous chapter, the outcomes to be discussed as regards their implications for the theory itself.

Having completed this process, the paper will be concluded in chapter six. The process of the framework's development shall be reviewed and issues raised by the case studies will be discussed. Any required refinements of the associated theories will also be undertaken. The implications of these developments will also be addressed, and suggestions for the focus of future discussion shall also be made. Rounding out the chapter and the thesis will be a series of final observations and suggestions of their potential practical impact.

Of course, no process can ever hope to completely define a term such as 'success'. However, it is hoped that this undertaking will facilitate a more thorough

discussion of the issue and provide a better understanding of how it may be best addressed in the mediatory context.

## (2)

**THE DIFFICULTIES OF EVALUATION**  
**IN THE SOCIAL SCIENCES**

When approaching the task of framing success in mediation, it is important to consider those factors that have played a part in making it such a problematic undertaking. Specifically, one must consider how the inherent difficulties of evaluating an event such as a mediation episode may impact on our ability to establish what constitutes success in such a situation. As Weiss suggests, it is evaluation that “establishes clear and specific criteria for success”<sup>5</sup> and, as such, any difficulties in establishing terms for success must, at least partially, be traced back to the process of evaluation itself.

Across the social sciences, evaluators face an array of difficulties that can be seen as impacting on their ability to clearly and comprehensively define ‘success’. The abstract nature of success as a concept, and the subjectivity inherent in attempting to define such an abstraction, walk hand in hand with an array of potential measurement difficulties. The result is an evaluatory process in which it is apparent that framing success is a complex task indeed. These concerns are not unique to the study of mediation. As such, although their application to mediation is the present focus, it is important to appreciate that the issues discussed are evidence of the broader difficulty of attempting to establish exacting criteria in the inexact realm of social science of which the study of conflict management is a part.

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<sup>5</sup> Weiss, Carol. Evaluation Research: Methods Of Assessing Program Effectiveness, Prentice-Hall: Englewood Cliffs, New Jersey. 1972. p. 1



## 2.a: ESTABLISHING CRITERIA FOR SUCCESS

As suggested, the realities of social science evaluation are seldom as simple as Weiss' statement might imply. In the physical sciences, such clarity and specificity may be able to be applied to a single, empirically measurable action in its attempt to achieve a defined goal. However, in the social sciences, the multiplicity goals and array of issues associated with the measurement of actions means such criteria are seldom self evident.

This is problematic, because 'success' as a term is ultimately an abstraction. That is to say, one cannot describe 'success' *per se*, but rather, as is the case with such abstractions, it can only be understood in terms of other concepts.<sup>6</sup> In situations where success can be measured by a single clear indicator, the abstraction becomes easily understood. However, the more complex the situation, the greater the number of sub concepts that must be taken into account to describe success, the harder it is to suggest any practical conception of success has been ascertained.

To utilize an example from the field of economics, a policy to stall inflation is relatively easily understood. If inflation is stalled, the policy is a success. Success itself is no longer an undefined abstraction, but rather a practical term, clear, specific and understandable in the context of the evaluatory process. If one attempts an evaluation of a broader policy of general economic advancement, however, the task becomes exponentially more complex. One must consider not only issues of inflation, but issues of inflation with regard to interest rates, lending rates with regard to

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<sup>6</sup> Lewins, Frank. Social Science Methodology: A Brief But Critical Introduction, Macmillan Education Australia: Melbourne. 1992. p. 37

investment rates, unemployment figures, balance of payment figures and so forth. The array of complex, often competing, indicators does little to clarify what success for the policy will entail. Instead they create an over determined phenomena, in which success' abstraction is maintained by the complexity of attempting to decode such a range of indicators. The human values at the heart of many possible indicators (be it conceptions of 'justice', 'progress' or 'happiness') also introduce a fundamentally subjective element into any evaluatory process. Finally, such complexity can impact on the ability of the individual to clearly articulate what is conceived as being indicative of success. Hence, while some understanding of what success might entail may be assumed in a general sense, its complexity, vulnerability to reinterpretation and the difficulties of articulating it mean it is difficult to ascertain whether others are labouring under the same assumptions. This highlights the need for a more general, systematic understanding of success.

At first glance, the world of economic policy analysis may seem far removed from that of mediation evaluation. However, the plethora of possible indicators of success, and competing means of measurement present in any evaluation of a mediation episode clearly suggest the problems discussed to be pertinent to the field. Indeed, the manner in which concepts such as success are too often just assumed as being understood is a focus of some concern in the literature. At the opposite end of the spectrum, Kleiboer critiques the manner in which success can end up being so over determined as to become impractical and unobtainable.<sup>7</sup>

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<sup>7</sup> Kleiboer, Marieke. The Multiple Realities Of International Mediation, Lynne Rienner: Boulder, Colorado, 1998. p. 19

Obviously, what is required to abrogate the concerns of abstraction and assumption present in social science evaluation is the establishment of a clearly articulated range of criteria for success that focus proceedings on an understanding that attempts to avoid abstraction, assumption and over determination. Unfortunately, any attempt at such a task presents its own set of problems. As already suggested, criteria for success in social science settings are seldom self-evident. That is to say, seldom do actions imply obvious desired outcomes with complete certainty. Hence, any criteria constructed are reliant on the input of the evaluator and their personal, unavoidably subjective and/or arbitrary interpretation of the information available to them to some greater or lesser extent.

## **2.b: UNDERSTANDING PARTICIPANT GOALS**

Actions are born out of intentions and no task is undertaken without some sort of goal or ambition motivating it. As such, when attempting to evaluate a given event, it is generally supposed that one must take into account the goals of those involved in assessing its success or failure. To this end, Weiss suggests that the purpose of evaluation research should be “to measure the effects of a program against the goals it sets out to accomplish.”<sup>8</sup> Therefore, participant (be they disputants or third parties, in the case of mediation) goals have an impact on how outcomes should be understood. d’Estree, discussing defining success in conflict resolution, takes this line of thought further, suggesting that if evaluation is based on process goals, “then the concept of

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<sup>8</sup> Weiss. p. 4

success will be one that is easier to define and a less fearful or contested claim for practitioners to make.”<sup>9</sup>

The idea that an understanding of goals will lead the way to an understanding of success is echoed by Thompson, who suggests that people do not derive satisfaction from results and rewards (objective indicators), but rather from how those rewards relate to their personal (subjective) desires or terms of comparison.<sup>10</sup> To wit, “people’s salaries are not strongly predictive of pay satisfaction”, but rather, “people use personal standards of comparison [comparison to a colleagues salary, relation to financial needs, and so forth] with pay satisfaction determined by the discrepancy between actual salary and such standards.”<sup>11</sup> Thus, it is suggested that different individuals will derive differing degrees of satisfaction from the same salary, on the basis of their varying desires.<sup>12</sup> The implication is that objective, ‘actual’ results are not sufficient to indicate the success or failure of a given action, but must be considered in the context of what are ultimately subjective ambitions. In turn this suggests success to be a highly individualized phenomena, adapted to fit mindsets and circumstances.

Despite d’Estree and Thompson’s assertions regarding the merits of a goal based focus for evaluation, this focus on participant ambitions does present two major problems for the would-be evaluator. Firstly, the goals of participants in an event, and hence the manner in which they are likely to view success in a given setting, are not

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<sup>9</sup> d’Estree, Tamra Pearson. Fast, Larissa. Weiss, Joshua. Jakobsen, Monica. “Changing The Debate About ‘Success’ In Conflict Resolution Efforts” in Negotiation Journal, Vol. 17, April 2001. p. 103

<sup>10</sup> Thompson, Leigh. “The Impact Of Minimum Goals And Aspirations On Judgements Of Success In Negotiations” in Group Decision And Negotiation, Vol. 4, 1995. p. 513

<sup>11</sup> Ibid. p. 513

<sup>12</sup> Ibid. p. 514

necessarily going to correspond with whatever established wisdom the evaluator may be working with. The evaluator may simply perceive the goals of the participant to be misguided, their attainment therefore not being indicative of success as the evaluator understands it. For example, a policy maker may claim success in an economic policy because a certain inflationary goal has been reached. However, an evaluator with firm beliefs (be they correct or not) that interest rates or employment are superior indicators of economic well-being may not code the event as such. Hence, one event could see conflicting interpretations based on different conceptions of appropriate goals. This discrepancy between evaluator and participant is indicative of the degree to which personal input can impact on evaluation and, ultimately, the attribution of success or failure to a given action.

The second concern revolves around the ability of the evaluator to effectively interpret the goals of the participants in order to apply them to the actual outcomes. If one accepts the contention that one must understand the goals of participants in order to understand outcomes under evaluation, it is important to understand the limitations that are placed upon the social science evaluator attempting such an undertaking. Unlike the physical sciences, where much evaluation can take part in a controlled, experimental setting, where the evaluator sets the goals of, and often performs, the action being assessed, much of the evaluation in the social sciences (and this is particularly true in the case of mediation) is what might best be referred to as 'observational evaluation'. That is to say that, the evaluator is observing the event in question, but has no real involvement in it. This difference between observational and experimental evaluation will be highlighted in a number of contexts, but as regards the issue of goals, it simply means that the evaluator plays no part in the setting of

goals prior to evaluation. As such, it falls to them to instead attempt to interpret the goals of those involved in the event under investigation, in order to accurately gauge what may be deemed a success for evaluatory purposes. This is no simple task.

Much as is the case with the term 'success' itself, party goals are often left implicit,<sup>13</sup> are assumed and left unarticulated,<sup>14</sup> or are discussed in only the broadest of manners. As a result, a considerable degree of ambiguity, or what Weiss would call "fuzziness",<sup>15</sup> creeps into the evaluation process. While in some situations, actions may suggest goals<sup>16</sup>, more regularly it can be expected that the evaluator will be left to interpret whatever information they have access to in order to establish some workable conception of party goals for the purposes of evaluation. Unavoidably, this means that the criteria against which outcomes are judged will owe as much to the evaluator's conception of party goals as it does to actual party goals. Thus, any determination of success or failure is likely to owe something to the process undertaken in its judgement.

In politicised fields of evaluation, such as the mediation of international conflict, the issue of goal interpretation is further complicated by the fact that parties will often articulate their goals in a purposefully vague or misleading manner. Seldom will parties enter a mediation episode expressing exacting, specific goals that cannot be left open to interpretation and rearticulation. For the participant, this enables a greater ability to claim post mediation success (politically, if not actually). For the

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<sup>13</sup> d'Estree *et al.* p. 103

<sup>14</sup> Sheppard, Blair. "Third Party Conflict Intervention: A Procedural Framework: in Research in Organizational Behaviour, Vol. 6, 1984. p. 145

<sup>15</sup> Weiss. p. 27

<sup>16</sup> The enacting of trading tariffs, for example, would suggest a desire to protect domestic industry.

purposes of observational evaluation, however, it only serves to further hinder an evaluator's attempts to establish goals against which to measure events and determine success by requiring further subjective interpretation of competing claims as well as enabling participants to subvert interpretation for their own benefits.

Even when goals are honestly and openly articulated, however, the evaluator's task is barely simplified. The uncontrolled nature of observational evaluation and the complexity of participant goals means that seldom is the evaluator presented with a single over-riding goal on which to base an event's assessment. Instead, the evaluator must take into account the varying goals of all participants in evaluating a given outcome. In the case of mediation, this may include mediator(s), disputants and other interested third parties. One may consider the goals of the mediator most salient in such a situation, as they may be perceived as having a greater interest in overarching outcome of the mediation than the more self interested participants.<sup>17</sup> However, the mediator is in turn responsible for helping disputants reach an agreement commensurate with their goals, thus intrinsically tying the two together. Hence, the evaluator is left to consider a range of divergent (and commonly conflictual) goals, all of which may impact on the understanding of a given outcome.

Complicating this is the multiplicity of goals maintained by any one participant in a given situation. A party to an event may have any number of hopes for proceedings, the salience attached to which may be both fluid and unclear. Thompson identifies a dichotomy between minimum goals (that which a party must receive in

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<sup>17</sup> Of course, the possibility that mediators have their own, potentially selfish interests should not be avoided either. See, Kleiboer, 1996. p. 370

order to settle an agreement) and maximum aspirations (that which a party most hopes to gain from an agreement), for example, which raises questions about what sort of desires most closely tie to participant satisfaction and sense of 'success'. Meanwhile, short and long term goals must be considered as regards a given event. Resultantly, it is left to the evaluator to determine not only the degree to which a given outcome has fulfilled these goals, but also to establish which of the goals carry the most weight when attempting to discern success or failure in the given situation. In many cases, the evaluator must consider also potentially contradictory goals,<sup>18</sup> of which the attainment of one implies a failure to reach another. Furthermore, when evaluating any real world activity, one must take into account a certain fluidity of goals. While the debate over goals discusses the way in which pre-episode ambitions impact on post-episode outcomes, the reality is that goals change as the situations of those involved in setting them do. How then does one address this in an evaluatory sense? Achievement of goals as held immediately prior to a settlement may suggest success at some level, but this in turn may suggest a failure to achieve initial goals. Given the already difficult nature of interpreting party goals, issues such as these only serve to make it harder.

Ultimately, it is clear that while an understanding of participant goals is important in order to grant meaning to gathered results, the difficulties inherent in discerning such goals are also a key factor in making the understanding of success so problematic.

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<sup>18</sup> D'Estree *et al*, p. 104



## 2.c: MEASUREMENT DIFFICULTIES

Of course, establishing the goals of the participants and processes under assessment is only half of any evaluatory equation. The utility of understanding such goals comes from the manner in which they grant context to the actual objective results of a given event. However, outcomes in the social science arena do not always lend themselves to objective measurement. How does one measure the results of a social policy or a mediation episode? While Weiss somewhat blithely suggests that evaluators translate evidence into quantitative formula for measurement against a given criteria or set of goals,<sup>19</sup> the reality is seldom so simple. Concepts such as ‘participant satisfaction’ or ‘peace’ are not created in the interests of simple empirical analysis, but rather to simplify complex ideas and goals. However, the need for displayable data may lead to the evaluator utilising what measurable indicators are available in order to create some demonstrable evidence of an outcome, be it success or failure. ‘Peace’, for example, can and has been defined and measured in terms of a certain period of time without actual physical conflict. *x* time without conflict is not peace, but it is a chosen, measurable indicator suggestive of peace. While unavoidable, this again highlights the subjective, personalised nature of any analysis. While one evaluator may code a successful settlement as a thirty day cessation of violence, another may suggest a certain percentage decrease in casualties or other measurable conflict symptoms. Both are discussing the same phenomena but in their attempts to place it in a measurable format both have come up with completely different gradations of it. Regardless of reasoning, it is still somewhat arbitrary. Nor is it particularly easy to measure perceptions in attitudes in any truly scientific manner. Furthermore, degrees of success do not necessarily follow a linear path. While one

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<sup>19</sup> Weiss, p. 4

indicator of success may entail a decline in violence, an indicator of a ‘better’ outcome may entail not simply a greater decline in violence, but instead the opening of lines of communications between disputants, making empirical comparison of results all the more difficult. Defining the margins within which to measure is also a potential problem. Process effects are ongoing, the conflicts they impact on, evolutionary. As such, identifying a discrete end point at which to focus assessment can impact greatly on eventual results. Finally, evaluators also run the risk of leaning towards the measurement of those indicators most easily quantified, rather than those best suited to providing information about a given event’s success or failure.

Much as is the case with the understanding of participant goals, much outcome measurement often boils down to subjective interpretation. It is here that the difficulties of abstractions, such as ‘satisfaction’, begin to manifest themselves. Any empirical method for attempting to measure such conceptions of success is based upon the subjective, arbitrary assignments of a given evaluator, and tell us little about the how best to approach success in a comprehensive manner.

## **2.d: COUNTER-FACTUAL ANALYSIS**

Beyond concerns surrounding how to measure events in the social sciences, evaluators are also presented with the problem of attempting to compare these measurements with those of other events in order to grant comparative context to the results gathered. When this proves impossible, they are then faced with the dilemma

of whether or not they should take part in counter-factual analysis<sup>20</sup> in order to achieve the same ends. The need for such seemingly ‘shaky’ analysis in the social sciences is derived both from the observational nature of much social science evaluation and the uniqueness of many of the phenomena under investigation. In the realms of experimental evaluation, one can compare gathered results both with the results of previous attempts at the same task and with those of other possible approaches, all of which can be performed and measured in a comparatively controlled environment. Thus, one can establish both if the process under evaluation was performed to its potential, and if it was a wise choice for the undertaking at hand. Both of these are potentially salient factors in the determination of success or failure. However, the unique nature of so many social science situations means that often not only can one not compare outcomes with relevant past episodes, but the event itself may also have precluded the consideration of other possible approaches.<sup>21</sup> As such, the questions of whether the undertaking under evaluation reached its potential, or was the best approach for the situation, cannot be determined in an absolute, factual, manner. As such, it is left to the evaluator to decide if, and how, to attempt to discern these things without any direct information. Hence, the use of counter-factual analysis, interpretation and estimation in an attempt to grant context to events that may not otherwise have any.

When confronting a situation in which such counterfactual analysis may be required, the evaluator is presented with a ‘Catch 22’ of sorts. If one falls into what

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<sup>20</sup> Counter-factual analysis is perhaps best defined as analysis that is undertaken to assess factors for which no direct factual backdrop can be provided.

<sup>21</sup> In what may be seen as an extrapolation of the old saying “If you don’t try, you’ll never know”, the very act of ‘not trying’ precludes any possible insight into other outcome possibilities.

Kleiboer considers a 'Negative Alternative Bias'<sup>22</sup> and fails to consider a given outcome against that which another approach may have delivered, then the gathered results can lose much of their context. As Thompson implies with regard to goals, some form of comparison is necessary.<sup>23</sup> No matter how positive one result may seem, does it really warrant being termed a 'success' if other available approaches could have performed the same task to a better end or with greater efficiency? And, with no form of comparison, how can results be understood with regard to success or failure. For example, a runner can state they have run the hundred metres in 10.2 seconds. This is a solid, quantifiable and undeniable piece of information, but it means little without some form of comparison. Hence one must establish either the times of the runner's competitors or the runner's own previous times. Only once this information is gathered can one truly evaluate the runner's performance. In an Olympic final, with world class runners, for instance, that time would mean failure, in a high school track meet, it would likely mean great success. For the Olympic athlete, 10.2 might be a poor personal time, for a high school athlete it may indicate the successful achievement of a personal best. However, without information suggesting context and means of comparison, the result can only be interpreted on the basis of an evaluator's understanding of the subject at hand, which may suggest the result to be a success or failure on the basis of an evaluator's personal standards and/or understanding of the matter in question. Like an understanding of participant goals, comparison of 'performance against alternative' or 'performance against potential' can add context to quantifiable outcomes. However, it also places goals in context by establishing their merit against other possibilities that could have been utilised. If someone achieves a clearly articulated goal but it can be proved that goal could have

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<sup>22</sup> Kleiboer, 1998. p. 17

<sup>23</sup> Thompson. p. 513

been surpassed by another approach, to what extent has the event really proved to be a success and of what value were the goals really?

However, in attempting to avoid the problems of neglected alternative bias and grant context to a measured outcome, one must take great care. While comparing the performances of a sprinter is a relatively easy task, useful for explaining the merits of comparative analysis, in social science settings information on such alternatives is often hindered by the uniqueness of the situation at hand. To utilise a broad example, when presented with an immediate crisis, be it military, social or economic, policy makers will select an approach to attempt to alleviate it. However, crisis situations tend to be unique in nature. Hence, while they may share features with previous events, there is no real way to judge if the actions taken were performed as well as possible in the given situation as there will be no record of such a chain of events against which to make a comparison. Likewise, in choosing a response, one action is favoured over others. There is no way, then, to say how another approach may have performed in the same situation as competing approaches can seldom be attempted simultaneously and the environment requiring them is unlikely to be replicable.

Of course, the evaluator may still attempt to carry out some degree of comparative analysis. While events may be unique, seldom does an event or phenomenon occur that does not share features with another. The events of September 11,<sup>24</sup> for example, were without precedent, but the ensuing economic crisis shared many features with other sudden stock slides. Hence, it may be possible to survey responses to similar events in order to establish precedents and standards of

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<sup>24</sup> The 2001 terrorist attacks on New York's World Trade Centre.

comparison for response. However, there are also aspects to any event that will be unique, and hence cannot be translated for the sake of comparison. As such, the evaluator is left to interpret how these variables may have impacted on other, unused approaches, a process for which no hard data can be provided. It is at this point that the counter-factual nature of analysis rears its head. In attempting to avoid the pitfalls of presenting results without any framework for comparison, the evaluator is left to interpret possibilities, leaving a framework that owes much to an evaluator's beliefs on how other eventualities *may* have developed.

These concerns are particularly evident in the field of mediation. Although there are many elements common to all mediation episodes, the nature of human involvement and the complexity of most conflict situations means that any given episode is ultimately unique. As such, the performance of a given mediator, or mediation style, cannot directly be compared to performances in other mediation settings. While one approach's differing results in differing situations may inform us as to its strengths and weaknesses, it does not enable us to discern clearly whether it has been performed to its potential in a given situation.

Furthermore, the decision to pursue mediation, and decisions regarding the nature of that mediation, preclude the taking of any other action at that point in the context. Hence, while it may be possible to judge a mediation attempt in light of how other approaches fared at different points, the fact remains that the given action was the only thing tried at that specific point in that particular environment. Therefore, while conclusions can be made regarding what may have been a better approach, given the circumstances, this is ultimately a counter-factual analysis and any

comparative analysis must take into account these differences and no absolute judgment as to the merits of mediation versus other approaches at that juncture can be made.

None of this is to suggest, of course, that solitary results cannot necessarily indicate success. Nor is it meant to imply that counterfactual deduction cannot prove to be a useful (and often unavoidable) tool. Rather, it is to emphasize the difficulties of evaluating unique events accurately and comprehensively in an uncontrolled environment and to suggest the twin concerns of ignoring and addressing the issue of negative alternative bias.

## **2.e: ESTABLISHING CAUSALITY**

Much as is the case with the issue of counter-factual analysis, the nature of observational evaluation also poses problems with regard to the linking of evaluated actions and measured results. By investigating whether or not a certain action has been a success, one may consider measured outcomes against goals, alternatives and potential. However, in order to suggest whether the achievement of these goals (or, indeed, the failure to attain them) implies anything about the process being evaluated, one must also establish a direct causal link between action and outcome. Proof, in other words, that such a result came about *because* of the action in question. In the realm of experimental evaluation, such links can be established by an array of control experiments that rule out other variables as contributing factors. However, in the uncontrolled realms of observational evaluation in the social science, the establishment of such links is more tenuous due to the unavoidable lack of scientific isolation.

For example, a recent power crisis in New Zealand led to experts suggesting a 10% cutback in daily power use would be required in order to stave off power cuts. As such, the government undertook a campaign to promote power savings. Shortly thereafter, the approach was lauded as a success in the Canterbury region, where savings peaked at 20%. On one level, this clearly did constitute a success (for the day at least), as a 20% saving clearly exceeds the desired (and scientifically justified) goal of 10%. However, for anyone evaluating the governmental policy of encouraging savings, instead of just whether or not savings occurred, there is a simple question that must be asked. Was this saving the result of the governmental power conservation campaign? As it turns out, it may not have been, with unseasonably temperate conditions being given much of the credit for the dip in power consumption. Thus, the evaluator is presented with two possible causes for the given outcome, making it impossible to state with absolute authority that it was in fact governmental policy which was responsible for the apparent success of consumer power savings.

In the mediation setting, causality can be particularly difficult to prove. The international environment is such a complex, interlocking system of action/reaction relationships that nothing about it can develop in a vacuum. Given the upheaval associated with most conflict and mediation situations, this means that no mediation outcome is likely to occur in a static environment. Hence, changes brought about by mediation are likely to coincide with other systemic developments, often leaving the link between mediation and outcome less than clear.

Indeed, there are many instances where a given action may not be the only possible cause of a measured result. In the context of mediation, one such example



revolves around Zartman's conception of conflict ripeness.<sup>25</sup> It is suggested that mediation is most likely to be undertaken, and most likely to be successful when conflicts are 'ripe' for some form of settlement. The potential causes of such ripeness are many and diverse. Conflicts may have reached a plateau, a mutually hurting stalemate in which neither party can perceive a possibility for unilateral gain nor accept the continuance of the current situation, or a precipice point at which continuation of the conflict suggests the potential for considerable harm to participant(s).<sup>26</sup> Environmental changes impacting upon the importance of the conflict's issue base and internal changes amongst participants as regards the salience of conflict issue, all of these are factors that could prompt a move away from conflict behaviour. Haas' observation that conflicts can slide into obsolescence of their own accord, due to systemic changes and the evolution of new issues of concern,<sup>27</sup> echoes this, raising the question of whether some mediatory episodes may have no more impact than to ritualise the end of a conflict. In the case of conflicts exhibiting these signs of ripeness, or obsolescence therefore, it could be argued that there is little to prove that it is not these factors, rather than the process of mediation that has lead to any sort of settlement. As such, the causal link between mediation and outcome becomes potentially weakened.

Of course, a contrary argument, when presented with the same suggestion, could state that one of the features of successful mediation is the identification of moments of ripeness upon which to capitalise. The difficulty of discerning what

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<sup>25</sup> Zartman, I. William. Ripe For Resolution: Conflict And Intervention In Africa, New York: Oxford University Press, 1985. p. 232

<sup>26</sup> Ibid. p. 232

<sup>27</sup> Haas, Michael. "International Conflict Resolution" in Haas, Michael (ed.), International Systems: A Behavioural Approach, New York: Chandler Publishing, 1974. p. 328

factors should be granted salience (and how so) in the assessment of success is thus clearly illustrated by this early example.

The issue of ripeness also raises another issue as regards the problematic nature of causality analysis. In many cases, the sort of processes of change one may wish to evaluate in a social science setting are exactly that, processes. Events, such as mediation episodes, are often assessed in isolation. However, mediation, like so many other social science phenomena, is generally part of a bigger picture. In this case, it may be a long term conflict management effort that has consisted of a number of previous attempts at mediation. As such, while it can be argued that such prior events only highlight failures in comparison to the eventually assessed 'successful' episode, it can equally be suggested that as part of an ongoing social process, every prior effort plays a part in the one currently under assessment. By this thinking, one must consider if a mediation deemed successful is so because of the mediation itself or because of the cumulative benefits of the ongoing process that has preceded it. Regardless of one's opinion on this issue, it is indisputable that social science phenomena are regularly interconnected and ongoing, rather than discrete events, and evident that such factors further serve to hinder the ease with which one can undertake their evaluation.

Ultimately, it is clear that positive outcomes do not always indicate process success. Of course, for those involved the point may be moot, but for those studying the impact of mediation attempts, it is an important factor to consider.

## **2.f: SUMMARY**

Weiss' comments regarding evaluation's role in defining criteria for success clearly highlights the obvious link between processes of evaluation and the establishment of a clearer understanding of success. However, much like the definition of success itself, evaluation is a more problematic task than one might first think. As such, this chapter has addressed the difficulties inherent in evaluating phenomena in the social sciences in general, and mediation in particular.

The purpose of this is twofold. Firstly, by highlighting the link between evaluation and success, and the difficulties of evaluation, one can begin to see why the creation of appropriate frameworks for understanding success has proved so problematic as regards mediation. Discerning success or failure is often both the goal and the final step of evaluation. Hence, understanding success may make evaluation, in this context at least, a little less frustrating. Correspondingly, a more carefully thought out means of evaluation may make it easier to form a clear understanding of success. Secondly, it enables the identification of issues that must be addressed in order to attempt the creation of any such framework. The avoidance of abstraction in the establishment of appropriate criteria for success, the problems of understanding participant goals, the challenge of measuring often unquantifiable results, the taking into consideration of alternative possibilities to those investigated and the proving of links between actions and outcome, will all be areas of focus in the ensuing discussion.

As well as identifying these fundamental difficulties, however, problems arising from attempts to deal with them are also made apparent. Most notably it is clear that the unwary evaluator's best attempts to address such concerns may result in a degree of arbitrary, interpretative evaluation, at odds with the observational nature of such evaluation. Thus, the evaluator can come to impact the outcome as much as the events under evaluation, calling the whole process into question. Of course, subjectivity and arbitrariness are unavoidable in human endeavours, but an awareness of their threat should hopefully enable the minimisation of their impact where possible.

Of course, understanding the difficulties of evaluation in the social sciences is only one step on the path to creating a workable framework for understanding success in mediation. Beyond the generic evaluation difficulties of the social science setting there are many problems associated with approaches to the definition of success in the more specific field of conflict management. Hence, one must go beyond addressing simply the difficulties of evaluation by also acknowledging, and eventually addressing those attempts that have been made at defining success in conflict management.

(3)  
**APPROACHES TO FRAMING SUCCESS**  
**IN CONFLICT MANAGEMENT**

While it can certainly be argued that there is little in the literature of conflict management suggesting a truly comprehensive understanding of success, this does not mean that the term success is not regularly utilized. Indeed, one could instead argue that much of the problem lies in the term's regular, careless use. Nevertheless, there remains much in the literature of conflict management that is worth consideration in the attempt to create a framework for success. There are an array of approaches to the evaluation of conflict management episodes that give considerable insight into a range of methods for interpreting success. From the use of illustrative sub-concepts, issues of settlement and resolution and the utilization of goals in assessment, to the debate over output and outcome analysis, there is considerable material for anyone wishing to develop the means for a better understanding conflict management results.

Of course, in many cases, the approaches to framing success discussed in this chapter were not solely, or even primarily, developed for that purpose. Their specific intents are varied. However, all of these divergent fields suggest specific interpretations of success and the means for its evaluation, which color their development and provide useful fodder for this discussion.

### **3.a: MEDIATION: COMMUNICATION OR CHANGE?**

At its most basic, the question of how best to address the issue of success boils down to a debate over what is required from mediation itself. As a process of communication, it has been suggested that the very act of partaking in the (ultimately voluntary) process of mediation should qualify it as success. By willingly choosing to open up a dialogue focussed on addressing concerns related to an ongoing conflict, it is suggested that a great step has been taken. Furthermore, any action within mediation is perceived as part of a cumulative progress towards any eventual settlement or resolution. The simple act of focussed communication is thus seen as a success in the realm of conflict management.

Of course, the very focus of this thesis implies the dismissal of this idea. Were the act of mediation alone accepted as indicating success, then of what need is this debate? However, it should perhaps not be so totally dismissed. As suggested in the previous chapter's discussion of ripeness, even mediation episodes that don't result in explicit indications of success can be part of a cumulative effect, building (either through the benefits of communication or the concerns of ongoing failure) the conditions of conflict ripeness for settlement and/or resolution. By this line of thought, any mediation effort can certainly be seen, if not as a success, then at least as a potential part of success.

In most cases, however, the requirements for success are somewhat more stringent. Narrower approaches to explaining success suggest, or at least imply, that a mediatory episode must fulfil certain requirements in order to be deemed a success. Thus, instead of being successful simply by way of occurrence, mediation must secure

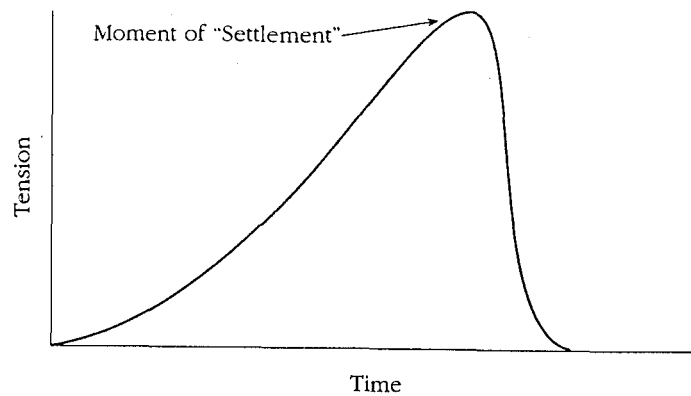
settlement or resolution, achieve certain goals, provide satisfaction or any one or combination of these and other possibilities. Thus, success is determined by the achievement of a certain standard in the mediatory episode. Discerning the best measure to identify this standard may therefore be what is required in order to garner a better understanding of what success entails.

### **3.b: MEDIATION AGREEMENTS: Discrete Events Or Ongoing Process?**

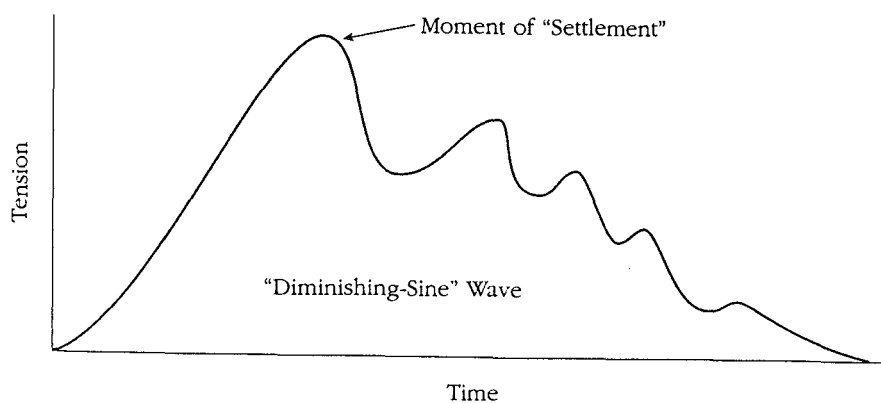
One's understanding of the conflict life cycle can result in very different approaches to understanding conflict management outcomes and assessing their success. In many settings, conflict management is understood as a singular event, the end point of a conflict relationship. This is suggestive of an interpretation of success as an immediate product of conflict settlement, born out of mediatory agreements. It is therefore a clearly recognizable development that can be assessed in the short term.

However, Honeyman postulates that this approach is flawed. Conflict, he suggests is an ongoing process of which settlement is just a stage. He illustrates this by way of two diagrams:

**Diagram 1: The Cymbals Clash and Conflict Ends<sup>28</sup>**



**Diagram 2: The Cymbals Clash... But Then, Something Else Happens<sup>29</sup>**



The first of these diagrams illustrates the aforementioned approach, with conflict peaking, a settlement being reached and conflict subsiding away to nothing. The second suggests his interpretation that, in reality, mediation settlements are only the first stage in a ongoing, staggered development away from the peak of conflict. In this staggered decline, illustrated by secondary peaks on the sine wave, many factors may impact on one's eventual interpretation of a conflict outcome.

<sup>28</sup> Honeyman, Christopher. "The Wrong Mental Image Of Settlement" in *Negotiation Journal*, Vol. 17, January 2001. p. 8

<sup>29</sup> Ibid. p.8



The implications for our understanding of success are considerable. If conflict settlement is perceived as Honeyman suggests it should be, then success is a phenomena likely to be identified as developing over a number of stages. If one accepts the 'Cymbals Clash and Conflict Ends' approach, however, success is likely to be understood as a product of immediate mediation outcome. In other words, it is a discrete, identifiable event.

### **3.c: FAIRNESS, SATISFACTION, EFFECTIVENESS, EFFICIENCY, STABILITY**

One regularly used means of framing success is that involving the utilization of illustrative sub-concepts. A conflict management/mediatory episode can be referred to as a success due to its 'fairness', its 'effectiveness', or any one or combination of a plethora of applicable concepts. Indeed, the concept of success itself is often articulated solely in terms of such concepts. Of course, the illustration of an abstract concept such as success by way of other abstract concepts is not without problems. One may blithely suggest a mediation to have been a success because it was fair. However, while this may tie the concept of success to that of fairness, it is meaningless without a clearly outlined understanding of 'fairness' or the plethora of other terms that may have been utilized.

However, the utilization of such sub-concepts is not without merit. While still abstractions requiring framing, illustrative concepts often suggest means of measuring the success they represent and imply an interpretation of the nature of conflict management and mediation that may further illuminate what is best understood by the

term 'success'. Furthermore, the consideration of such an array of possible criteria for defining success presents a range of interesting insights into other areas of debate.

Although a multitude of possibilities present themselves, this discussion will be limited to five possible concepts; fairness, satisfaction, effectiveness, efficiency and stability. The first four of these are most clearly laid out in Sheppard's discussion of procedural effectiveness criteria (see table 1). They are also utilized by Jameson, who cites Sheppard extensively in a discussion of the desired outcomes of conflict management (see table 2).<sup>30</sup> Susskind and Cruikshank, meanwhile, utilize the terms fairness and efficiency alongside those of wisdom and stability, and make passing reference to satisfaction in their discussion of 'good' outcomes for negotiated settlements.<sup>31</sup>

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<sup>30</sup> Jameson, Jessica Katz. "Toward A Comprehensive Model For The Assessment Of Intraorganizational Conflict: Developing The Framework" in The International Journal Of Conflict Management, Vol. 10, July 1999.

<sup>31</sup> Susskind, Lawrence and Cruikshank, Jeffrey. Breaking The Impasse: Consensual Approaches To Resolving Public Disputes, Basic Books: New York. 1987.

**Table 1: Procedural Effectiveness Criteria<sup>32</sup>**


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<i>QUALITIES OF PROCEDURES THEMSELVES</i>	
I Fairness	
1.	perceived fairness*
2.	level of intervener process neutrality, e.g., a non-neutral third party may permit one party to speak but not the other*
3.	level of disputant control*
4.	protection of individual rights*
II Participant Satisfaction	
5.	level of privacy*
6.	level of participant involvement and seriousness*
7.	level of injury incurred by any party*
III Effectiveness	
8.	implementability of procedure*
9.	quantity and quality of facts, ideas or arguments elicited*
10.	degree to which dispute surfaces or gets into the open*
IV Efficiency	
11.	cost*
12.	timeliness and speed of resolution*
13.	disruptiveness of other events and everyday affairs*
<i>QUALITIES OF OUTCOME RELATED TO PROCEDURE</i>	
I Fairness	
14.	as defined by: equitability, consistency of results with similar conflicts, need, consistency with accepted rule or norm and perceived fairness
II Participant Satisfaction	
15.	disputant commitment to solution
16.	benefit of outcome participants
17.	level of disputant animosity*
III Effectiveness	
18.	level of resolution achieved*
19.	permanence of solution*
20.	likelihood of future similar outcome*
21.	impact on directly involved parties*
IV Efficiency	

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\* Criteria repeatedly identified in our research.

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<sup>32</sup> Sheppard. p. 169

**Table 2: Desired Outcomes Of Conflict Management**<sup>33</sup>


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	<i>THIRD PARTIES</i>	<i>DISPUTANTS</i>
<i>FAIRNESS</i>	Institute better rules and procedures (Prein, 1987)	Set a precedent (Sander and Goldberg, 1994) Obtain a neutral opinion (Sander and Goldberg, 1994)
<i>SATISFACTION</i>	Fully acceptable solution (Prein, 1987) Maintain desired amount of privacy (Sheppard, 1984)	Keep dispute private (Sander and Goldberg, 1994) Make dispute public (Sander and Goldberg, 1994) Get vindication (Sander and Goldberg, 1994)
<i>EFFECTIVENESS</i>	Improve relationship (Prein, 1987) Prevent repetition (Prein, 1987) Teach parties to manage future conflicts (Prein, 1987) Create more clarity (Prein, 1987) Learn from the conflict without resolving it (Prein, 1987) Create a workable solution (Prein, 1987) Find a pragmatic solution (Prein, 1987) Alter work structure (Prein, 1987; Putnam, 1994) Decision quality (Thomas, 1982)	Improve relationship (Sander and Goldberg, 1994)
<i>EFFICIENCY</i>	Settle conflict in a timely manner (Prein, 1987; Sander and Goldberg, 1994) Minimize costs and use of resources (Prein, 1987; Sander and Goldberg, 1994; Thomas, 1982)	Settle conflict in a timely manner (Sander and Goldberg, 1994)

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Of course, in none of these cases are methods for framing success directly addressed in the manner this thesis is intends. As suggested, this is a task that has seldom been approached. However, considerations of areas such as these can be clearly related to success. This is indicative of the sort of interpretative research and

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<sup>33</sup> Jameson. p. 280

‘reverse-engineering’ that must be undertaken in order to provide insights into how success is/can be conceived by those in the field.

In investigating these areas each concept will be addressed in turn. As terms utilized for academic endeavors are so often granted either a specificity or generality not present in their common usage, each term will be considered by common definition and as discussed by each author. Observations will be gathered both about how each term can be utilized in framing success and how each term also provides insights into other aspects of our understanding of success in the mediatory context.

The first of Sheppard’s procedural effectiveness criteria, fairness, is certainly vulnerable to criticism that it is an intangible abstraction. One cannot define fairness so stringently that it will not still be interpreted differently by different people, much like success itself. However, in layman’s terms at least, it suggests an even-handedness of procedure and equitability of outcome that is clearly indicative of some conception of ‘success’. Sheppard in particular also presents a number of measurable indicators of fairness that serve to assuage concerns regarding the threat of abstraction.<sup>34</sup> Levels of process neutrality, disputant control, equitability, consistency of results and consistency with accepted norms are all relatively easily measured and defined indicators that help ‘operationalize’ the abstract. Both Jameson and Susskind and Cruikshank, meanwhile, present similar procedural indicators of fairness (improvement of procedure and institution of precedent,<sup>35</sup> access to information and opportunity for expression<sup>36</sup>) which provide reasonably structured conceptions of fairness. However, while there are certain measurable indices of fairness, both

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<sup>34</sup> Sheppard. p. 169-170

<sup>35</sup> table 2, Jameson. p. 280

<sup>36</sup> Susskind *and* Cruikshank. p. 21

Sheppard<sup>37</sup> and Susskind and Cruikshank<sup>38</sup> also identify the importance of perceived fairness in proceedings. Measurable indicators of fairness mean little if parties to a mediation episode do not themselves feel it to be fair. This perception of unfairness, justified or not, can in turn shade opinions on actual outcomes. Hence, while such indicators may highlight a well balanced procedure, or even an equitable solution, if parties to it don't perceive that fairness, it is unlikely to have a direct link to success. This is typical of the assessment concerns one faces when dealing with issues of perception and interpretation, as discussed in the previous chapter.

Also problematic is the contradictory definition of fairness itself. Defined as just, equitable and in accordance with rules,<sup>39</sup> the term is potentially oxymoronic in the mediatory context. Equitability and justice do not necessarily walk hand in hand, and established rules may not necessarily help to provide either in cases of unexpected circumstance. Susskind and Cruikshank identify this indirectly by way of their observation that in problem solving situations, perceived fairness “depends more on willingness of the parties to accommodate each other's special needs, than on the rules not changing.”<sup>40</sup> Fairness, therefore becomes an amorphous concept that can't easily be framed within any one setting. Equally problematic are suppositions such as that surrounding the use of 'neutral', or more accurately, impartial, mediators.

Traditionally a clear indicator of fairness, there is much to suggest impartial mediators

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<sup>37</sup> Ibid. p. 170

<sup>38</sup> Susskind and Cruikshank. p. 21-25

<sup>39</sup> Oxford Pocket English (8<sup>th</sup> edition), Oxford: Clarendon, 1992.

<sup>40</sup> Susskind and Cruikshank. p. 22

may be less effective in securing mediation agreements than obviously partial ones,<sup>41</sup> thus calling into question the merit of some traditional conceptions of fairness.

The utilization of fairness as a sub-concept to suggest success has some merit. It implies a number of qualities (even-handedness of process, equity of outcome) that may serve as indicators of a successful mediation episode. However, the perceptual nature of any interpretation of such an abstract concept as 'fairness', incorporated with the very fluid nature of what fairness may entail in a given situation, means that it arguably asks as many, if not more, questions than it answers.

In some respects, participant satisfaction seems like a better indicator of success. If a party is satisfied with process or outcome, they are more likely to perceive it to be a success and, as Sheppard indicates, are more likely to be committed to it.<sup>42</sup> This in turn makes success by other indicators, such as stability, more likely. Shepherd identifies a number of measurable indicators, both as regards process (privacy, level of involvement), and outcome (benefit, commitment).<sup>43</sup>

However, as with fairness, the criteria of satisfaction also has a largely perceptual and individualized element. Satisfaction is often deemed an almost emotional response to the achievement of a goal or attainment of some requirement. Clearly, the sorts of goals taken into an event by those involved are very individual and informed both as regards their setting and their achievement, by perceptions of events. Of course, this is not unexpected, nor should it serve as a reason to

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<sup>41</sup> Carnevale, Peter *and* Arad, Sharon. "Bias And Impartiality In International Mediation" in Bercovitch, J. (ed) Resolving International Conflicts: The Theory And Practice of Mediation, Boulder, Colorado: Lynne Rienner Publishers, 1996.

<sup>42</sup> Sheppard. p. 170

<sup>43</sup> table 1, Ibid. p. 170

completely dismiss the utilization of satisfaction in attempts to frame ‘success’.

Conflict itself is largely born out of perceptual differences between individuals and it is to be expected that such differences will also impact on its evaluation.

Nevertheless, the fact that satisfaction is born not simply out of measurable indicators, but out of parties’ perceptions of them does serve to qualify its use in such a context.

Perhaps the most obviously linked to a layperson’s conception of success, and arguably the most heavily researched of Sheppard’s criteria<sup>44</sup> is that of effectiveness. Conflict management is a process of change. Hence, for a mediation episode to be deemed successful, it must have some (positive) impact, or *effect* on the conflict. In keeping with this, Sheppard highlights an array of possible indicators of effectiveness,<sup>45</sup> many of which will appear in future aspects of this discussion. They suggest a more concrete, less ‘perceptually vulnerable’ array of indicators that arguably present the most easily measurable means of assessing success in mediation episodes.

However, as Jameson indicates, “The diversity of goals within the category of effectiveness [see table 2] indicates one’s definition of ‘effectiveness’ depends heavily on individual values and preferences.”<sup>46</sup> The obviously contradictory nature of such indicators as those suggesting goals of making a conflict public or keeping it private<sup>47</sup> is obvious. The question of which indicators one chooses to acknowledge and what salience is granted to them also leaves much room for interpretation. If, for example, the relationship is improved, but a pragmatic solution is not found to

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<sup>44</sup> Sheppard. p. 170

<sup>45</sup> table 1, Sheppard. p. 169

<sup>46</sup> Jameson. p. 277

<sup>47</sup> Jameson. p. 278-279.



conflict issues themselves, is it deemed a success or a failure? How does one discern which indicator should take primacy? Clearly, a mediation episode must be effective to be successful, but what sort of effects constitute success is the real question that must be addressed.

The fourth criteria, efficiency, is primarily focused on in a procedural sense by Sheppard, addressing as it does, the cost, timeliness and disruptiveness of the undertaking. In some respects, this may seem extraneous. If a mediation episode is effective in other ways, what matter efficiency? Once again, it must be stressed that conflict and its management does not tend to occur in a vacuum. Costs racked up in order to accrue benefits may be such that those benefits lose their sheen. Jameson also acknowledges this, addressing both time frame and resource consumption, but it is Susskind and Cruikshank that grant efficiency the most weight. They suggest that “Fairness is not enough. A fair agreement is not acceptable if it takes an inordinately long time to achieve or if it costs several times what it should have.”<sup>48</sup> As well, they address the false economy of ‘fast but poor’ outcomes,<sup>49</sup> ensuring that efficiency is still linked to quality of outcome, not just management of costs. Along these lines is Susskind and Cruikshank’s questioning of whether quickly reached agreements that overlook the possibility of other so-called elegant trades, should really be considered in a positive light.<sup>50</sup> This also serves to highlight the possibilities for counterfactual, ‘what if?’ analysis in the assessment of such situations.

Clearly, the concept of efficiency, like that of fairness, is of greatest value as a means for facilitating consideration of issues beyond the direct outcome of the

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<sup>48</sup> Susskind and Cruikshank. p. 26

<sup>49</sup> Ibid. p. 27

<sup>50</sup> Ibid. p. 2

procedure. Hence, while one could argue that efficiency is a necessary consideration in attempting a thorough definition of success, it cannot be seen as sufficient in itself.<sup>51</sup> Rather it serves as an interesting addendum to other potential means of evaluation.

Far more practical is their utilization of 'stability'. That which is stable is "firmly fixed or established, not easily, changed, moved or destroyed."<sup>52</sup> It is "resolute, constant."<sup>53</sup> In the context of Susskind and Cruikshank's discussion, this translates to the constancy of conflict management agreements, the degree to which they remain fixed, established and operational after institution: "An agreement that is perceived as fair, is reached efficiently, and seems technically wise is nevertheless unsatisfactory if it does not endure."<sup>54</sup> This is in keeping with some aspects associated with effectiveness (Jameson's suggestion of the prevention of repetition, for example<sup>55</sup>) but is presented more thoroughly as an indicator of conflict management outcomes as ongoing. Hence there is a focus on feasibility, practicality and realism, the development of relationships and flexibility for renegotiation in order to address developments as they occur.

Ultimately, the focus on stability is an important one. Of course, a stable outcome is only likely to be coded a success if it is also possessed of other merits, but the matters raised in consideration of stability nonetheless foreshadow a number of other issues that shall come to be of considerable importance in attempting to frame success in the mediatory context.

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<sup>51</sup> Ibid. p. 27

<sup>52</sup> Oxford Pocket English

<sup>53</sup> Ibid.

<sup>54</sup> Susskind and Cruikshank. p. 31

<sup>55</sup> Jameson. p. 280

Obviously, none of these concepts can be used independently as total indicators of success. While all suggest certain positive outcomes that can be assessed in the evaluation of a mediation episode, none stand alone in providing a clear picture of how best to define success. Efficiency and effectiveness mean little if parties are not satisfied. Satisfaction and fairness mean little if an episode has proven to be ineffective in a practical sense. Stability, meanwhile is an obvious requirement of a successful outcome in many respects, but it is ultimately only as beneficial as its subject.

In conjunction however, one can begin to get some insight into how success is understood and may be framed. The very 'human-ness' of the endeavor is captured by the acknowledgement of fairness and satisfaction, while effectiveness addresses the actuality of conflict outcomes. Meanwhile, efficiency draws attention to the fact that any conception of success must incorporate the cost benefit practicality of real world endeavors, while stability addresses the fact that the sorts of events being assessed in the mediation setting are ongoing in nature, providing an array of further assessment possibilities and difficulties.

### **3.d: SETTLEMENT vs. RESOLUTION**

More practical, in many respects, is an approach to evaluation of mediation based on simple analysis of agreement and outcome types and their impact on the conflict in question. While doing little to deal with the more esoteric aspects of the 'what is success' question, such an approach does provide an insight into what sort of practical results for a mediation episode may be coded as successful.

Often, mediation attempts will result in no agreement being reached and no alteration in the situation that precipitated them. Notwithstanding those who argue that any mediation episode has an effect, regardless of outcome,<sup>56</sup> they prove to be *ineffective*. On other occasions, however, agreements will occur that do demonstrably alter the conflict relationship. In such cases, the question then becomes, what sort of mediation outcomes should be considered success? In order to address this issue, one must first understand the different potential outcomes. d'Estree *et al* identify four heavily debated terms utilized for describing potential conflict management impacts: settlement, management, resolution and transformation.<sup>57</sup> Each of these imply specific understandings of mediation success.

Unfortunately, however, these approaches are seldom clearly defined in conflict management literature. Settlement and resolution are often used interchangeably,<sup>58</sup> leading to uncertainty as to their meaning in a given situation, while terms like transformation and management are often synonymous with resolution and/or settlement. For the purposes of this discussion therefore, mediation agreements shall be broken into their two most commonly used categories: settlement and resolution.<sup>59</sup>

The distinction between the two is simple in its explanation but far reaching in its implications. Essentially, the dichotomy relates to the differences between dealing with a conflict's symptoms and addressing its causes. The settlement of a conflict

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<sup>56</sup> Referring to the ideas of mediation as success in itself and/or as a process of cumulative benefit.

<sup>57</sup> d'Estree *et al.* p. 101

<sup>58</sup> Burton, John *and* Dukes, Frank. Conflict: Practices In Management, Settlement And Resolution, St Martin's Press: New York. 1990. p. 1

<sup>59</sup> Levinger, George *and* Rubin, Jeffrey. "Bridges And Barriers To A More General Theory Of Conflict" in Negotiation Journal, Vol. 10, July 1994. p. 204-205

occurs when conflictual behavior (most notably of the damaging or destructive kind) is neutralized, or dampened. For example, upon witnessing a fight between siblings, a parent may choose to pull the two children apart and send them to their rooms, thus halting the physical manifestation of their conflict, without addressing its origins. Resolution, on the other hand, occurs when the root causes of a conflict are addressed, thus negating the threat of further conflictual behavior. It does not rely on enforcement, but rather the establishment of common ground,<sup>60</sup> upon which to build a relationship free of the need to revisit the conflict. In the case of the parent with feuding children, this would involve discerning the motivations behind the conflict and addressing it in such a manner as to negate the need for further conflict. In such a situation, this may involve the division of resources or the settling of a point of contention. Burton suggests settlement to be a useful tool for dealing with interest based disputes, while resolution is more suited for interpersonal conflicts where issues are more easily addressed than in, for example the international environment.<sup>61</sup> Had the children's conflict been due to no more than childish exuberance, for example, or if there is no underlying problem that cannot be addressed by a simple behavioral alteration, then settlement may be all that is required for a satisfactory, successful outcome.

Within conflict management literature, resolution is often presented in such a manner as to suggest it as being inherently superior to settlement. Complete as opposed to piece-meal, it is seen as dealing with the root causes of the conflict and negating the need for future conflict or management. By comparison, settlement, often involving a simple cessation of conflict behavior (such as a cease-fire) can be seen as

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<sup>60</sup> Burton *and* Dukes. p. 121

<sup>61</sup> Ibid. p. 83, 121

a potentially damaging half measure, leaving conflict to smolder beneath the surface, before erupting again. Such a stance implies an understanding that conflict management should be a comprehensive undertaking and that the results of actions such as mediation should hence be equally comprehensive in order to be deemed truly successful. One can see this in many places. Burton, for example, discusses transformation in such a manner as to clearly imply some form of resolution (as opposed to settlement, which he views as a cause of protraction).<sup>62</sup> The criteria utilized by Sheppard and Jameson imply resolution at various points also.<sup>63</sup> Following a 'resolutionary' understanding, therefore, conflict is seen as a relationship to be altered, rather than an event to be dealt with. This has clear implications for our understanding of conflict management and mediation success, by implying the requirement for a transformational outcome and long term alteration to conflict behavior in order to claim success.

Furthermore, while there are few who would argue against the merits of resolution that have been discussed thus far, not all consider it the only goal of conflict management. In discussing third party interventions, for example, Regan suggests that such events are regularly borne out of a (often selfish) desire to deal with the violence and other negative activities associated with conflict.<sup>64</sup> In other words, their goal is often to counter the symptoms of the conflict rather than to invest any effort in gaining an understanding of disputant relationships and issue dynamics. Nor may full resolution necessarily be in the parties' interests. Prein's suggestion that

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<sup>62</sup> Burton, John. Resolving Deep-Rooted Conflict: A HandBook, Lanham, Maryland: University Press Of America, 1987. p.18

<sup>63</sup> Sheppard's utilization of the term resolution and Jameson's focus on altering relationships and work structures, for example. See tables 1 and 2

<sup>64</sup> Regan, Patrick. "Conditions Of Successful Third-Party Intervention In Intrastate Conflicts" in Journal Of Conflict Resolution, Vol. 40, June 1996. p. 341

participants may wish to use conflict management for information gathering, learning from the process, without seeking to resolve the conflict, illustrates this well.<sup>65</sup> To hark back to Susskind and Cruikshank's consideration of stability of outcome, resolution is not always even deemed a realistic goal. Where settlement or cease-fire may be possible, the depths of feeling may be too great to achieve anything more ambitious, making a more modest settlement the best possible option. Its achievement in the circumstances may thus be considered a success.

Whether settlement or resolution should be utilised as an indicator of success also depends somewhat on one's conceptions of conflict and its management. If an understanding of the international environment is informed by a neo-realist view, wherein conflict is a natural part of a system defined by power politic behaviour, then resolution of conflict in any truly comprehensive manner may not be seen as realistic. Thus, conflict management's focus is likely to be on the cessation of violence. In other words, it is suggested that conflict itself is natural, unavoidable and unlikely to be resolved and hence success is best judged as the ability to avert, or end the damaging aspects of conflict. In such an understanding of conflict and its management, therefore, settlement would, if achieved properly, clearly suffice as regards the denotation of success.

By comparison, those who hold what might be described as a more idealistic<sup>66</sup> view of proceedings in the international environment may have more exacting requirements. If conflict is perceived as an aberration of sorts, born out of structural discrepancies, rather than being a part of the natural order of things, one is more likely

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<sup>65</sup> Prein, Hugo. "Strategies For Third Party Intervention" in Human Relations, Vol. 40, 1987. p. 704

<sup>66</sup> The use of this term should, of course, not be taken to imply any of the negative connotations with which it is sometimes associated.

to consider comprehensive resolution possible, and, hence, the prime indicator of mediation success. In such a view, settlement would be seen as a lesser result, ineffective in dealing with what the conflict is really about.

Another approach, similar to that of the neo-realists, is that of the behaviourally oriented. At its simplest, a behavioural approach would suggest that values and ideals cannot truly be addressed and that one must focus on only the observable. Under this approach, conflict is seen as “a phenomenon manifest in active behaviour.”<sup>67</sup> As such, its management must focus on the alteration of behaviour. Although not tied to the same theoretical background as neo-realism, it nevertheless shares in its utilisation of practical, ‘real’ data in assessing outcomes and, hence, understanding success.

The choice between settlement and resolution can also be informed by one’s focus of concern as well. If one is primarily concerned with the destructive aspects of conflict behavior, an immediate settlement may be required to ensure safety and security before all else. This is particularly common in the case of major conflict where the potential loss of life is such an emotive motivating factor as to supercede all other considerations in both an emotional and a political sense. However, when one is primarily concerned with the relationship between two parties, a resolution may be the only way to feel one has truly contributed.

The level at which a conflict management procedure occurs may also impact on the means and goals of the process at hand. Mediation at leadership levels, for

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<sup>67</sup> Haas, Michael. International Conflict, Indianapolis: Bobbs Merrill, 1974. p. 6.



example, is more likely to focus on behavioral aspects of conflict, such as securing a cease-fire, while conflict management at the grass roots level may be more intent on building understanding, addressing structural problems at their roots and seeking resolution.<sup>68</sup> This may be in part due to the regular political requirement for a quick fix, but it also highlights the potential inability of high level conflict management to go beyond the control of conflict's behavioral aspects.

Ultimately, the idealized notion of full conflict resolution is hard to fault as an example of what mediation success *should* be in a practical sense. However, it is considerably less clear as to whether a line should be drawn at resolution or whether more modest, settlement style outcomes may also be considered success in any developed framework of that phenomena. Again, we see how goals and perceptions of conflict can impact on trying to work out what success is.

### **3.e: GOAL BASED FOCUS**

What is evident, upon consideration of both the criteria of success and the issue of settlement and resolution is that the goals of those involved (and those evaluating) play a major part in either method of evaluation. Indeed, regardless of the many evaluatory concerns presented by attempting to discern party goals, it is clear that goal based issues are never far from the forefront as a possible means of ascertaining 'success'.

Most obviously goal oriented is Jameson's focus on desired outcomes. Explicitly stating a desire for a given outcome clearly suggests one's goal is to

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<sup>68</sup> Lederach, John Paul. Building Peace: Sustainable Reconciliation In Divided Societies, Washington, DC: United States Institute Of Peace Press, 1997. p. 39

achieve said outcome. Therefore, if setting a precedent is, as Jameson suggests, required to ensure a 'fair' outcome,<sup>69</sup> and it is fairness that the participant desires, then the setting of such a precedent will serve as their immediate goal, against which the process' success or failure will be judged. Hence, in its most basic sense, even broad concepts such as those of Jameson, can be broken down to the achievement of simple goals. The same can be said about the Jameson criteria. Perceptions of success are likely to rely on the achievement of certain practical goals which in turn suggest the broader illustrative sub-concept. Those seeking an efficient agreement, for example, may set goals surrounding the time frame of such an agreement, the achievement of which would suggest the desired efficiency was achieved and the process was, in that sense at least, a success. Similar examples could be made from the other criteria.

Sheppard's approach is admittedly not so suggestive of a goals based focus, but his very utilization of the term satisfaction is. Satisfaction necessarily implies the achievement of some goal or provision of some need. Hence, any utilization of satisfaction *vis-a-vis* success can be seen as suggesting success to be directly related to the achievement of goals. Success, therefore would be a phenomena best understood by way of the measurement of accomplishments against goals.

Likewise, one's interpretation of an outcome is potentially reliant on one's goals. A simple settlement (i.e., a cease-fire) of a conflict may be deemed a failure by one whose goal was a comprehensive resolution, while being heralded a success by one with more modest hopes. Hence, we can see a clear example of how, as suggested in the previous chapter, post mediation outcomes can be colored by pre-mediation

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<sup>69</sup> Jameson. p. 278-279.

goals. This also clearly echoes Weiss' suggestion "to measure the effects of a program against the goals it sets out to accomplish."<sup>70</sup> Equally, of course, the criticisms raised regarding the difficulty of accurately evaluating goals still stand. However, it is important to consider this as it is evident goals inform much that may relate to understanding success.

Nevertheless, while this is indeed prohibitively difficult, work has been done on assessing the salience of differing types of goals that bears consideration. Thompson provides an interesting and comprehensive view of one way of approaching this issue in her "exploration of the mapping between objective outcomes and people's subjective evaluation of those outcomes"<sup>71</sup> regarding goals, aspirations and their impact on resultant perceptions of success. Although focused on non-conflict negotiation, and negotiation of a particularly measurable nature, Thompson's study still raises a number of interesting issues regarding how the pre-conflict management mind set may impact on the coding of post-management outcomes.

Thompson's basic thesis suggests that people do not derive satisfaction from results or rewards, but rather from how those results relate to their desires or that which they see those around them attaining. To wit, "people's salaries are not strongly predictive of pay satisfaction" but rather "people use personal standards of comparison [perception of worth, comparison to colleagues salary and so forth], with pay satisfaction determined by the discrepancy between actual salary and such standards."<sup>72</sup> Thus, it is suggested that people will react differently to the same

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<sup>70</sup> Weiss. p. 4

<sup>71</sup> Thompson. p. 513

<sup>72</sup> Ibid. p. 513

outcome as a result of differing standards of comparison.<sup>73</sup> To return to Jameson's consideration of desired outcomes of conflict management, it would not be improvement of a relationship that would suggest an effective outcome, but rather the degree to which that improvement approached the improvement desired by the party involved. This has clear implications for both the assessment of participant satisfaction and the interpretation of settlement and resolution style outcomes as success or failure. Hence, we can see that even if basic outcomes are easily quantified, they will only be clearly understood as regards a perception of success when scaled against a participant, or evaluator's, goals and desires.

According to Thompson, such desires are separated into two poles. The first is that of minimum goals, the lowest acceptable outcome a party will willingly accept as a result (remembering that under our understanding of mediation, undue duress should not be a factor). The second is that of peak aspirations, the optimum outcome conceived. In economic settings, it is suggested that minimum goals are the measuring stick of outcomes, with bargaining surpluses (the amount by which a final agreement surpasses one's minimum goal) being utilized to indicate the degree of success.<sup>74</sup> In the context of direct negotiation, however, Thompson suggests a different possibility. Although reinforcing the theory of bargaining surplus, it is also suggested an outcome's proximity to a party's maximum aspirations may serve as an equally insightful indicator of party satisfaction and perceptions of success.<sup>75</sup>

Indeed, Thompson's subsequent investigation suggests that aspirations and an outcome's proximity to them may actually be a greater predictor of party satisfaction

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<sup>73</sup> Ibid. p. 514

<sup>74</sup> Ibid. p. 514

<sup>75</sup> Ibid. p. 518

than a bargaining surplus, by way of a sales related experimental procedure.<sup>76</sup> It is suggested that the reason behind this may be that as achievement of minimum goals is basically a 'given' in any agreement derived from a voluntary procedure, one is instead more likely to focus on securing an agreement capable of approaching their highest hopes. Thus, it is the proximity they gain to aspirations, rather than the degree to which they pass their lower threshold, that is the determining factor in outcome assessment.

The implications of such observations are important to consider. While minimum goals are likely to be based on some actual basic requirement (in Thompson's example this might be the securing of a high enough price to cover costs), aspirations are potentially limitless, their levels set by personality and countless other variables. If success is therefore based around the degree to which such aspirations are reached, it is clear that it will be at once more ambitious and more difficult to measure than would a conception of success based around minimum goals.

Of course, Thompson's approach is not the only way of addressing this issue and nor should its applicability to conflict management and mediation be overstated. Seldom are the goals and outcomes of a mediation episode, particularly one in a political setting, likely to lend themselves to measurement as easily as Thompson's sales based experiments. As suggested in the previous chapter, outcomes are more likely to have a broader range of measurable indicators and goals are less likely to follow a linear development than in such a simple, empirical measurable setting.

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<sup>76</sup> Ibid. p. 520-1

Furthermore, although Thompson's results regarding negotiation appear conclusive, in the context of conflict management, requirements may differ. Burton, in particular presents a contrasting view point in suggesting an approach, the aim of which is to provide for an outcome "in which both sides can claim attainment of their immediate minimum objectives."<sup>77</sup> In this, we see a potential contrast between the mindsets of conflict management and sales based negotiation. While conflict management is voluntary in the case of mediation, episodes will often occur as a result of a failure to achieve maximum aspirations by more direct means. As such, the desire for some form of agreement to satisfy political needs may impact on the relative salience of minimum goals *vis-a-vis* maximum aspirations. As such, the question is raised as to whether goals are more modest, given the realities of the mediatory context.

### 3.f: ASSESSMENT ISSUES

In considering the issues already discussed, one can begin to get some idea of the issues that must be addressed in any attempt to frame success in the mediatory context. However, it is also important to consider how the manner in which an event is assessed may impact upon its coding as a success or failure. As suggested in chapter two, whether one wishes to address settlement duration, impact on conflict intensity or some other practical indicator will impact upon how a given result is interpreted. Even if competing approaches both suggest success in an assessment, they may do so for entirely different reasons,<sup>78</sup> thus providing little real insight into the nature of the success in question. Most interesting, however, is the issue of whether one should even focus on outcomes at all.

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<sup>77</sup> Burton, John. "Resolution Of Conflict" in International Studies Quarterly, Vol. 16, 1972. p. 20

<sup>78</sup> Kleiboer, 1998. p. 18

In the context of conflict management, the question is raised; can outcomes (regardless of their means of measurement) that have been impacted on by environmental variables beyond the control of those involved in the process, reasonably be used in measuring that episode's success or failure? Some would suggest not, that instead measurement of process is the only fair way to assess an episode. We can see this in Fischer's definition of the third party's roll as being diagnostic and facilitative, and not focused on re-entry<sup>79</sup> as well as in Ingestedt's suggestion that the mediation only addresses conflict up until the point of agreement.<sup>80</sup> Furthermore, how can one assess outcomes when causality can be so difficult to discern and 'ripeness' rather than any mediation effort, may be at the heart of its outcome?

Certainly, there is superficial merit to the suggestion of output analysis. One traditional example used is that of the 'lone gunman'. Peace agreements so often seem to be derailed by small groups of malcontents acting beyond the power or predication of those involved in the conflict management process. To judge success and failure on the unpredictable (and often unavoidable), seems harsh in some respects. Critics would suggest, however, that one cannot simply focus on the skills of participants and the quality of the process in defining mediation episodes. Doing so creates a view of mediation results based on indicators not directly tied to the underlying purposes of conflict management (the alteration of conflict behavior/relationships), resulting in the

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<sup>79</sup> Fischer, Ronald. "Third Party Consultation As A Method Of Intergroup Conflict Resolution" in Journal Of Conflict Resolution, Vol. 27, June, 1983. p. 323

<sup>80</sup> Ingestedt, Marianne. Mediation In Civil Wars: Tracing The Causes Of Success Or Failure, Unpublished, Uppsala University. 1999. p. 54

distinct possibility that one will end up performing admirably at tasks that are not required.<sup>81</sup>

The implications of these two competing views as regards the definition of success are both obvious and significant. Each approach suggests a radically different range of indicators for framing success. An output based approach would suggest a conception of success measured by quality of process and participant involvement while an outcome based one would suggest measures focused on an episode's actual impact on the conflict in question. Any assessment of what success may best be seen to entail will therefore be heavily influenced by one's standing on this question.

### **3.g: SUCCESS AS A CONTINUUM?**

The preceding debates regarding goals, resolution/settlement, and so forth, also raise another issue regarding the nature of success in conflict management; that of whether success is a zero-sum, either/or phenomena or an issue best considered in matters of degree.

Can an events evaluation occur along a continuum, from total failure to total success, with many graduations along the way, or is it, as is often portrayed in the media, a simple success or failure equation? The implications of this for our understanding of success are clearly great. If one assumes success is such a zero sum phenomena, then one must define a tipping point at which failure ends and success

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<sup>81</sup> State Services Commission. Occasional Paper No. 7: Looping The Loop: Evaluating Outcomes And Other Risky Feats, Wellington: State Services Commission, 1999. p. 11



begins. If, on the other hand, it is seen as a gradual development, then some sort of continuum illustrating this development must be formulated.

Within the literature, examples of zero sum thinking can be seen in consideration of the settlement, resolution debate. Those who suggest comprehensive resolution to be the only truly acceptable outcome of conflict management have essentially drawn a line in the sand, with success on one side, failure on the other. Indeed, any expression of a singular outcome desire does this. There is also much evidence of zero-sum thinking that might suggest the existence of some undefined (or at least inadequately defined) tipping point at which failure is divided from success. This can be seen both in the settlement, resolution debate as well as in comments by the likes of Fischer and Kleiboer indicating circumstances likely to be perceived as win/lose that, in turn, inform an understanding of what success will entail in the management of those conflicts.

By comparison, Bercovitch *et al*'s behavioral approach discusses the concept of full and partial settlements,<sup>82</sup> suggesting (or at least implying) some sort of continuum upon which outcomes may be graded, rather than simply judged in one way or the other. The settlement, resolution debate also implies the possibility of varying degrees of success, from the modest, through to the ideal. Likewise, Thompson's 'aspiration zone' also implies a measurable range of outcome<sup>83</sup> while

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<sup>82</sup> Bercovitch, Jacob. Anagnoson, Theodore. Wille, Donette. "Some Conceptual Issues And Empirical Trends In The Study Of Successful Mediation In International Relations" in Journal Of Peace Research, Vol. 28, 1991. p. 10

<sup>83</sup> Thompson. p. 519

Prein operates in terms of *how successful* and *more or less successful*,<sup>84</sup> also suggesting a range of possible outcomes beyond simple success and failure.

Clearly, establishing an understanding of how success should be viewed is of fundamental importance in creating a framework to comprehensively define it. As such, the decision as to whether or not it is best conceived as a one dimensional phenomena or a range of possibilities would seem to be an issue of potentially great salience.

### **3.h: SUMMARY**

Much of this chapter may seem overly critical. No means of defining success or evaluating conflict management episodes will ever be beyond critique. However, the close consideration of these widely divergent approaches and their respective merits and failings raises a number of important questions. Is success a practical matter measurable by settlement or resolution? Is it fair to evaluate such procedures in an outcome based manner given the unpredictable, uncontrollable nature of the conflict environment? Should participant goals be taken into account? If so, how? To what extent can illustrative concepts be used to counter the abstract nature of the term 'success'? Although the creation of one framework could never hope to provide a final answer to all these questions, by addressing them, in conjunction with the already covered difficulties of social science evaluation, one can begin to form an idea of what must be addressed in the creation of a framework for better understanding mediation success.

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<sup>84</sup> Prein. p. 701

#### (4)

### **FRAMING SUCCESS**

Upon consideration of the discussion thus far, one might come to believe that the evaluation of mediation episodes and the establishment of even a rudimentary framework for success to be a task so difficult as to be prohibitive. Certainly there is little in the last two chapters that provides obvious hope for such an undertaking. However, the very array of problems that might be expected to hinder the process may instead help facilitate it. The plethora of difficulties facing anyone attempting to evaluate social science phenomena provide a guideline of issues that must be satisfactorily addressed in order to do so. Likewise, the range of potential definitions for success present in conflict management literature may be less than ideal in any number of respects, but they do provide the ingredients from which a framework can be created, while also suggesting a number of issues that must be addressed if one is to approach success in a comprehensive manner. However, drawing these possibilities out is a potentially difficult process.

The intent of this undertaking, therefore, is to create a framework that illustrates the determinant factors of success in an understandable, but not simplistic, manner. As such, the explanation shall be broken into two halves. The first explains the theoretical framework itself. Aspects of the already discussed approaches to success are incorporated, while others are refined or discarded. In doing so, a number of the problems associated with attempting to define success are addressed regarding the new framework. In responding to the issues raised in the literature of the field, it is

hoped the theoretical underpinnings of the framework will be both comprehensive and easily understood.

However, as already discussed, mediation is a practical undertaking, and any discussion of it must acknowledge this. Hence, any theory needs to be practically applicable. As such, the second half of this chapter endeavours to operationalize this framework in order to enable its testing against real world mediation episodes. In doing so, those aspects of the initial theory left undefined will be fleshed out with suggestions of specific requirements for the coding of a given outcome as success. The result should hopefully be a framework which addresses the major theoretical concerns surrounding our understanding of success, and yet still provides practical indicators as to its perceived nature.

#### **4.a: CREATING THE FRAMEWORK**

At the heart of this framework is the idea that success must be viewed on a continuum of some sort. While a simple success/failure, win/lose dichotomy carries with it the allure of simplicity, it does little to really address the often complex nature of mediation outcomes and seems vulnerable to oversimplification. As suggested, success is often discussed as a singular phenomena. However, in the case of this framework, it is contested that success should not be identified as one simple eventuality against which all else is considered failure. There are two major reasons for this.

Firstly, it implies success to be a one dimensional concept, which, quite simply, it is not. Success can be modest, just barely acceptable. One common usage of satisfaction, for example, is that which suggests one is satisfied simply when some

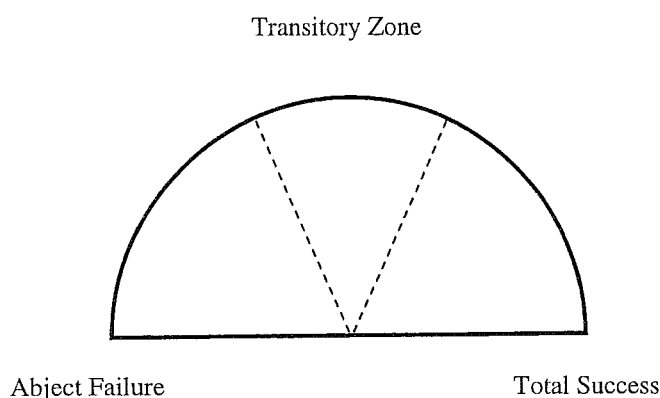
basic level of requirement has been obtained. Success can be glorious, the attainment of a dream or a goal, an achievement so complete it negates the need for further endeavour. Success can (and regularly does) also fall somewhere between the two. The salience granted to the achievement of varying degrees of success within such a range is open for debate, but it is evident that any consideration of success must acknowledge its multitude of forms.

Secondly, a simplistic, dichotomous, conception of success suggests a clear line between success and failure. This is not the case. While in many situations it is certainly possible to show the difference between success and failure clearly, this will not always be so. While ‘total success’ and ‘abject failure’ do indeed present themselves as polar opposites, the reality of most mediation outcomes is more equatorial. Therefore, in order to illuminate a phenomena such as success, spread as it is across part of a continuum of possible mediation outcomes, one must identify it at its most modest origins. That is to say, one must identify a range of possible minimum requirements for success. In doing so, one can suggest a point beyond which all superior results simply constitute greater degrees of success, thus illustrating the concept in its entirety. By comparison, were one simply to identify the qualities of success at its most ideal, one would be provided with little information as to what constitutes success in a broader context.

Of course, such a task is difficult. Identifying an absolute point of divide, where failure becomes success, is, as enticing as it might sound, not practically possible. To attempt to do so would serve only to promulgate the utilisation of arbitrary, and/or subjective, personalised designations of success and failure largely

dismissed in the preceding discussion. Instead, one must identify the keys of clear success and failure and then attempt to address the nature of the borderline between them, where success has its origins. To help illustrate this, a simple semi-circular diagram can be utilised.

**DIAGRAM 3:** The Success Arc-Continuum



The arc indicates the continuum of possible mediation outcomes, from total failure to complete success. Of course, such absolutes only exist in theory, but they do serve to illustrate the potential extremes of the continuum. The transitory zone, with its borders illustrated by dotted lines to indicate that they are not absolute margins, represents the realm between the two, within which failure at its most marginal and success at its most modest are intertwined. This is the realm within which investigation must ultimately be taken to discern more clearly, the nature of success. The arc is, or at least was initially, designed in order to indicate a tipping point, past which a mediation outcome can be defined increasingly as success or failure. Of course, it is not believed that any such tipping point, while it may exist in a theoretical sense, can be satisfactorily identified to be used to address the overriding question of

‘what is success?’ Instead, it is by discussing the nature of possible determinant factors housed within the transitory zone that progress can be made in this endeavour.

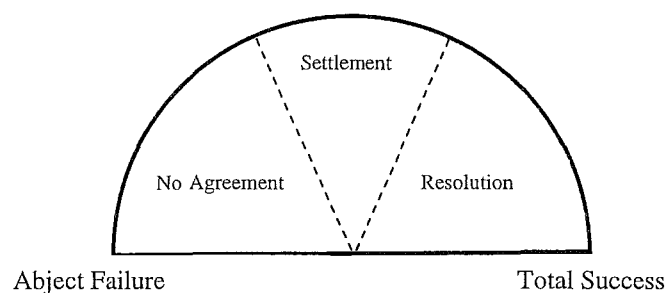
On their own, however, the arc and its implications regarding the origins of success within the transitory zone are meaningless. Some means of application is required in order to explain how success and failure are to be interpreted and where the grey area of success’ origin resides in a practical sense. The indicators chosen for this purpose are those of settlement and resolution as discussed in chapter three. The simple break down of outcomes provided by these alternate outcome possibilities lends itself well to the success arc and the avoidance of over-determination.

Both settlement and resolution have many features that lend themselves to providing a definition of success. As already discussed, resolution in particular is almost the ideal of a successful mediation outcome in most contexts. Hence, those mediation results that clearly fulfil all aspects of an idealised resolution could be seen as falling to the right hand end of the arc, as close to ‘total’ success as is possible. Less perfect resolutions fall ever further left on the continuum.

However, it is the contents of the transitory zone that provides insights to the ‘beginning’ of success and, hence, success itself for the purposes of this discussion. As such, one must look to the idea of settlement. More modest in its intent than resolution, settlement suggests simple behavioural alterations in a conflict, rather than overarching relational shifts. As such, settlements may potentially result in either success or failure. While a ceasefire, or other behavioural changes, may do little to radically transform relationships in a conflict or address its deep seated issues, there is

much to suggest it should be coded a success. On the contrary, a settlement resulting in a cease fire that barely gets off the ground may serve to promulgate mistrust, resulting in a conflict situation ultimately worse for the mediation attempt. A clear failure, in other words. Thus, resolution is identified as success, failure to reach any agreement is coded as failure and settlement is seen as inhabiting the grey area. Settlement, therefore, is the range of results within which success can be identified at its origin.

**DIAGRAM 4:** The Applied Continuum



The utilisation of settlement as the base level of success should not be seen as suggesting a fully neo-realist or behavioural approach to the understanding of conflict and its management. On the contrary, the acknowledgement of the merits of resolution and its placement on the continuum should be seen as indicative of the author's belief that conflict is a relationship that can be altered, rather than simply a pattern of behaviour to be restrained. However, it must be acknowledged that much conflict management derives its impetus from concerns surrounding the negative impact of conflict's behavioural manifestations, rather than concerns about the nature of the structural roots of the conflict and its associated relationship problems. Hence,



the utilisation of settlement to identify success at its most basic, although simply addressing conflicts' behavioural aspects, is not intended to deny the possibility of resolution, which is itself part of the same continuum. Furthermore, it is suggested, that the divide between the behavioural and relational aspects of conflict is overstated. Like success and failure, both sit on the same continuum. Any agreement to shift behavioural patterns is indicative of some small relationship change, while such shifts in behaviour can also promote, or at least enable, deeper relational changes and may serve as symptoms of those changes also.

The exact nature of what aspects of a given settlement must be considered in order to address its possible success or failure will be discussed in the second half of this chapter when the framework itself is operationalized.

In choosing to utilise success at its most modest, this framework is clearly stepping away from a utilisation of maximum aspirations as a measure of success. As discussed in chapter three, such aspirations may be neither practical, possible, or politically desirable. Even if achieved, they, much like full resolution, suggest a more ideal success than is required for this discussion. However, nor does this framework focus on minimum goals, despite its modesty. As discussed, minimum goals may consist of sub-settlement benefits. While these have positive aspects, the task at hand is the framing of 'success' of a mediation, not its value. Likewise, suggestions that any mediation should be framed a success either because of its symbolic nature or, as with above, its potential cumulative effect, should be dismissed. Certainly, it is a triumph when two formerly intransigent opponents come together to discuss the possibility of a new future. However, it is a triumph for pre-mediation diplomacy and

back room politicking, not the mediation episode itself. Furthermore, while a failed mediation may lay the groundwork for future successes, it is those future episodes that should be coded as successful, the one at hand may simply be a failure with some redeeming qualities (and thus somewhat closer to the centre on the arc).

Utilising settlement and resolution in order to frame success also addresses another evaluation debate by clearly suggesting an outcome, rather than output, based focus. This bears some discussion. Output evaluation is not without its merits. As already suggested, the international environment is fraught with vagaries, many of which prove impossible to predict in a mediation environment. In judging the success or failure of a given mediation episode, it would seem unfair to suggest failure as a result of events completely beyond the control of *those involved*. The emphasis added is to stress a point. Output analysis is a perfectly reasonable means for assessing the performance of those involved in a mediation. It would certainly be unfair to suggest a skilled mediator was a failure after a carefully facilitated agreement of sublime wisdom was destroyed by political developments completely beyond anyone's ability to control or predict. Furthermore, without some acknowledgement of the limited power those involved ultimately have in the long term results of a mediation, it would be difficult to fairly assess their skills and abilities, thus making it difficult to ensure the best people for the job were regularly provided.

However, when evaluating the mediation episode itself, one should be less concerned about such an understanding approach. Mediation is a real world process, often undertaken in times of most dire need. If it does not provide a positive outcome, some sort of practical improvement, how can it be deemed a success? This is a study

of success in mediation, not the quality of participant input. Well performed officials and completely unpredictable hindrances do not change the fact that a mediation episode that ultimately results in little or no improvement of the situation at hand is of limited value. To hark back to Sheppard and company, conflict management must be effective to be successful.

As a result, the success arc is focussed on assessing outcomes as regards the success of mediation episodes. This means that sometimes superb mediation episodes will ultimately be coded failures. This is not to pass judgement on those involved, but simply to ensure focus remains firmly on the impact of the mediation episode. However, the flip-side of this is that, given the aforementioned difficulty in establishing causal links with absolute certainty, some lesser processes may be deemed successes due to their fortuitous timing or otherwise good luck. This is not an exact science, nor should it ever claim to be, but as long as one remembers that the focus is success of episodes *vis-à-vis* their conflicts, rather than quality of procedures, these potential vagaries should not be a cause for concern.

This said, the question of causality cannot be ignored. In order to suggest a given mediation episode has been a success, it is vital that a link is made between that mediation and the outcome(s) being measured. In an environment as complex as the international arena, there are always concurrent events that will make proving sole cause difficult. Nevertheless, in order to lay claim to an indicator of success, a mediation episode must be shown to be the primary factor in precipitating that change. A mediation episode that happens to coincide with diplomatic manoeuvring

from other quarters, for example, must be shown to have had a greater impact than that other factor.

Furthermore, even upon establishing a mediation attempt as the primary factor of impact on a given conflict at its time of undertaking, one must also be certain that the conflict's alteration is not more clearly the product of pre-mediation events. Both extremely 'ripe' conflicts and those heading for obsolescence may simply fizzle out of their own accord. Thus, it is important to establish whether a given mediation is actually responsible for a measured outcome, or has simply served as a tool for framing it. Admittedly, this does require a certain amount of counterfactual analysis (once a mediation has been undertaken, one cannot be certain how the conflict would have developed without it), but it is important to at least consider the relevance of a mediation episode to any measured change in a conflict before adjudging that change to be indicative of successful or failed mediation.

Despite the possibility of utilising some counterfactual analysis in assessing causality however, such analysis does not play a major part in the framework. There are two reasons for this. Firstly, it is quite simply an incredibly difficult task to undertake. In the complex environment of international mediation the range of possibilities for a given outcome is often as broad as one's imagination. In all but the most ideal of mediation episodes it seems fair to suggest that there will have been better options that went unpursued. However, determining which of these options may have had a real likelihood of getting off the ground and out-performing a given approach relies so much on personal interpretation of facts that can never be proven as to remove it from contention as a tool for clearly framing success.

Secondly, counterfactual analysis of outcomes arguably goes a step beyond what is required for framing success. As with output evaluation, counterfactual analysis can serve as an interesting tool for evaluating the performance of those involved in a mediation episode, but it does not provide the sort of information required to assess whether or not a given mediation should be deemed a success or a failure. While evidence of a superior option having been overlooked or ignored (assuming of course one could comprehensively prove such a claim) may serve to further damn a failure, or take some of the gloss off of a success, it does not alter the simple fact of whether or not a given outcome reached the tipping point past which success is indicated. In many ways, this stands as a mirror image output analysis. Where measuring outputs can serve to suggest a successful process but should not be utilised in final evaluation of the mediation's result, counterfactual analysis may suggest failures on the part of those involved in a mediation that do not ultimately impact on the success or failure.

As regards the idea that counterfactual analysis may provide much needed context to unique outcomes that could otherwise have none, this is certainly true. However, it also is not completely relevant. Conflict management develops along a continuum much like mediation outcomes, stretching across a range of conflict possibilities and on through to settlement and resolution. Settlement as success, therefore, provides a context in itself as (successful) mediation is a process of change and change has been identified, from conflict to settlement. In essence, conflict management is a journey, rather than the race discussed in chapter two. Its goals are born of progression, not competition. Knowing how others (or other approaches) may

have performed is interesting, but ultimately peripheral to the real questions associated with outcome evaluation.

None of this is intended to dissuade counterfactual analysis. In striving to do as well as is possible, and in attempting to learn from one's experience, some form of counterfactual analysis must be undertaken, regardless of the difficulties involved. Certainly, a mediator's performance must be considered carefully. If, for example, they miss an opportunity for the sort of elegant trades suggested in Susskind and Cruikshank's discussion of efficiency<sup>85</sup> this must be acknowledged and assessed. However, in the context of the current assessment consideration, it remains a potentially interesting addendum, but a largely peripheral concern.

Another area of consideration that has not found its way directly into the framework under creation is that regarding the use of illustrative sub-concepts such as fairness, satisfaction, effectiveness, efficiency and stability as primary tools for framing success.

Such terms are ultimately abstractions, albeit finer ones than 'success'. As such, they are limited in their value as far as creating a workable, easily understandable framework for defining mediation success on their own. One cannot explain an abstraction with an abstraction without a vast degree of explanation. Simply saying, for example, that success is best defined as a blend of efficiency and effectiveness is of little more value than explaining to a blind person that purple is a

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<sup>85</sup> Susskind *and* Cruikshank. p. 26-28.

mixture of red and blue. With further explanation of course, one can begin to develop an idea of what success may be seen as entailing, but the process of providing in-depth explanations of such a range of concepts very quickly leads one a way from the sort of workable definition likely to lend itself to a workable framework.

Furthermore, while any one or combination of these concepts (or a perception thereof) may play a part in an agreement to settle, or even the quality of the settlement itself, it is ultimately that settlement, resolution or the failure to attain either which indicates the quality of the outcome. To some extent this argument is born out of an understanding of the nature of mediation.

Mediation episodes are concluded either with no agreement, resulting in failure, or in an agreement, be it formal or informal, written or verbal, which may possibly lead to success. Due to the voluntary nature of involvement in the process, it seems reasonable to expect that any agreement reached will be one that satisfies participants, to some minimal level at least. Therefore, it can be assumed that some minimum degree of these various requirements has been incorporated into any agreement. Thus, they are ingredients of the agreement that may result in a settlement deemed worthy of being coded a success. They are not however, tools for defining success themselves.

This is not to say, however, that those concepts discussed by Sheppard, Jameson and Susskind and Cruikshank will not play a part in discussion of the framework under creation. To the contrary they, or some of them, are vital to its utilization. Fairness and satisfaction are ultimately perceptual, and as such have their

main value as ingredients of agreement as already discussed. Efficiency, meanwhile must be addressed on two levels.

Should potential agreements be prohibitively inefficient, they most likely will not be made. Any agreement reached in a voluntary setting, therefore can be argued to be of at least minimum acceptable efficiency. Of course, should a grossly inefficient agreement be reached, this may impact on the achievements of the settlement at hand, thus impacting on its success or failure. An agreement based on a perception of efficiency that then proves not to be so in the real world environment would not be a surprising candidate for failure.

However, this assessment should be made on the performance/impact/outcome of any agreement, not specifically its degree of efficiency. Likewise, agreements should not be judged on the basis of some perceived inefficiency, at least as far as the assignment of success or failure is concerned. Such considerations echo the issues raised by output evaluation and counterfactual analysis in suggesting an area worthy of consideration for assessing mediator performance and/or broader political issues. However, they remain peripheral to actual outcome assessment.

Effectiveness and stability are of more direct importance. This framework is based around the assessment of mediation's impact by way of analysis of agreements and their performance. Hence, the effectiveness, or impact, of an agreement is at its cornerstone. Mediation episodes that fail to secure an agreement are ineffective, and are coded failures, as are agreements that don't reach certain minimum requirements. The very acknowledgement of the ongoing nature of settlement and resolution style



agreements also suggests a place for Susskind and Cruikshank's use of 'stability' in the analysis of success. In order to be truly effective, a settlement must remain in place long enough to have a recognisable impact. However, for the purpose of operationalizing the framework, the term 'durability' shall be used instead of stability. Nordquist indicates that an agreement's durability can be measured either in terms of the length of time the agreement is sustained, or on the basis of the agreement's ability to withstand abrupt changes that may threaten its continuance.<sup>86</sup> By providing guidelines for quantitative and qualitative measures of agreement, Nordquist's approach is therefore of more use in the present discussion than broader talk of stability might be. This is not to say that effectiveness (impact) and durability can serve as indicators of success on their own. However, it does highlight how they may, when granted a context, be utilised as part of a focussed, outcome based analysis of mediation success.

It is the intention (and hope) of this framework to avoid the morass of perceptual/interpretative analysis so evident in many of the approaches addressed in chapter three. As already discussed, the utilisation of the success arc is intended to step away from the utilisation of abstractions in definition of other abstractions. Instead, the terms of settlement and resolution, each a specific, explainable state rather than a broad concept, provide a simple, clear understanding of the context in which success is best considered. As such, the risk of over determining success to the extent that its explanation is as misleading as the abstraction it intended to negate, should hopefully be avoided.

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<sup>86</sup> Nordquist, Kjell-Ake. Peace After War: On Conditions For Durable Inter-State Boundary Agreements, Uppsala, Sweden: Department Of Peace And Conflict Research, 1992. p. 34-35.

The arc framework is further simplified by virtue of the fact that it does not directly address goals. As is the case with issues of satisfaction and fairness, achievement of goals by those involved may lead to an agreement resulting in settlement or resolution of the conflict, but it is the form and impact of that agreement, rather than the attainment of the goals themselves, that defines success. The question can of course be raised, what if the situation is so dire as to result in goals more modest even than the simplest of settlement? Surely a mediation episode should not be coded a failure if the sole goal of bringing its participants together has been achieved? However, while this may imply a positive outcome of sorts, it is not enough to suggest the success of a mediation episode itself. There are circumstances where a mediation may have no hope of a successful outcome as coded in this framework. This should not lower the bar, or broaden the transitory zone, however. Rather, it should simply serve to highlight that there can be positive aspects to even failed mediations, but mediation cannot be a success without a certain degree of impact on the conflict it has been undertaken to address. The question therefore becomes one of assessing that impact and trying to discern whether it has identifiable positive qualities that can be utilised in suggesting its success. These may have to be assessed on a case by case basis. The specific means of addressing this will be discussed in the operationalization of the framework.

In avoiding a direct focus on participant goals, the evaluator also avoids the problems of perceptual interpretation. Firstly, divergence of evaluator and participant focus are avoided by the utilisation of the agreement-impact approach. Secondly, the evaluator is not left the tricky task of attempting to evaluate what goals may have

been held by a party, what salience they granted them and how well they feel they were achieved. The question is no longer directly relevant. If an agreement is reached, and it proves to be of sufficient quality to be coded a success, it is implicit that parties must be satisfied enough at some basic level, even if they may not deem the agreement ideal. Finally, as already suggested, the evaluator is no longer left with a range of divergent, incompatible goals to attempt to measure in something approaching a scientific fashion. Instead, he/she is presented with the task of evaluating where an outcome falls on a continuum that has its basis in a practical assessment of a mediation episode's impact on a given conflict.

#### **4.b: OPERATIONALIZING THE FRAMEWORK**

The development of the framework thus far has two major themes. Firstly, it is suggested that possible mediation outcomes exist on a continuum that travels from total failure through to complete success. Secondly, it is suggested that, in order to understand success, it must be identified not simply at its ideal but, more importantly, at its minimum, in order to understand the point beyond which success may be claimed. While identifying a clear delineation between success and failure, and hence a clear origin for success, would ultimately rely on the sort of arbitrary and subjective analysis already criticized, it is suggested that a certain transitory zone exists within the continuum. It is within this zone that marginal failure and modest success lie (see diagram 1). Therefore, it is by identifying those determinant factors that influence outcome and possibly discern success from failure that one can begin to draw some conclusions about the nature of mediatory success.

In a practical sense, the continuum has been framed by utilization of the settlement and resolution outcomes present in the discussions of existing approaches to framing mediation outcomes. Thus, mediations that result in no identifiable agreement are deemed failures.<sup>87</sup> This is not intended to deny the beneficial aspects of many mediations that do not result in agreements. However, it is intended to suggest that while such episodes may have beneficial, cumulative qualities for the ongoing conflict management process, they are not themselves success. Nonetheless, the range of failure on the continuum leaves room for discerning different degrees of failure. By comparison, mediations that result in a comprehensive resolution of the conflict and its issues are identified as successes. This leaves the more modest achievement of settlement style agreements straddling the transitory zone (see diagram 2).

Therefore, in order to operationalize the framework and assess its merits, one must consider a number of facets of any settlement process that may be seen as determinant factors in suggesting a successful settlement. These have been identified as: the nature of any agreement; its re-entry into the conflict environment; its impact (and it's causal link to that impact); and its sustainability/durability. The ordering of these possible determinants is significant. It suggests that conflict management, and mediation itself, is an ongoing social process, rather than a distinguishable single event. Simply evaluating a mediation outcome in terms of its agreement (essentially output analysis) is as Honeywell demonstrates, arguably flawed. Likewise, an arbitrarily suggested time frame may not tell us much more. Instead, it is suggested that in order to discern the success or failure of an agreement, one must begin one's

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<sup>87</sup> While an agreement need not have been 'signed off on', or even verbalized, at a mediation's conclusion, one must be able to provide evidence of an agreement, to ensure a causal link between the mediation and any subsequent alterations in the conflict.

assessment with the nature of any agreement, then trace that agreement's institution, its impact on conflict behavior and its durability as a process.

Successful settlements, it shall therefore be contested, are those with agreements that clearly suggest means for addressing the behavioral, if not relational aspects of the conflict. They are instituted in a relatively 'intact' form (thus eliminating overly-ambitious settlements of the sort that Susskind and Cruikshank discuss<sup>88</sup>) and, once instituted, resist derailment long enough to deliver on their promise, and, as such, ultimately have a clear (positive) and demonstrable impact on conflict behavior. Each of these criteria deserve some discussion.

Obviously, the first question is, what is the nature of the agreement? A mediation's agreement is its first practical outcome, and hence is of great significance. It may be a non documented agreement sealed with a hand shake, an official statement of principles signed at a major ceremony, or a complex legal agreement drawn up by experts to directly address specific concerns. However, what matters is what it suggests in order to address the conflict which prompted it. A press release suggesting 'useful talks' or 'definite progress' does not suffice, and neither do settlements that suggest only negligible or peripheral alterations in conflict behavior. For a mediation to be deemed successful it must be shown to have a tangible impact on the conflict it has been undertaken to address. Those sorts of agreements, often secured in order to claim success where there may have been none, are unlikely to provide for this. Of course, a comprehensive plan for negating all future conflict *a la* resolution is not required, given the behavioral focus of this framework. However,

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<sup>88</sup> Susskind and Cruikshank. p. 31-32.

whatever degree of agreement is reached, it must address the conflict and prove credible. As Walter suggests, lack of credible guarantees for an agreement can often undermine it,<sup>89</sup> much as overly ambitious agreements can also be more suggestive of failure than success. Susskind and Cruikshank echo this in their discussion of feasibility.<sup>90</sup> This final suggestion serves to highlight the necessity of evaluation beyond the point of agreement and also serves to introduce the next possible determinant factor, that of re-entry.

Given the outcome based focus of the framework, it is clear that an agreement (essentially an output) alone cannot constitute a success. How that agreement fairs in its application must also be considered. The first step of this consideration is the assessment of re-entry. For the purposes of this discussion, re-entry is taken as referring to the process by which agreements made are taken from the rarefied atmosphere of the mediation episode and instituted in the conflict environment. Essentially, it is the process by which outputs begin being translated into outcomes. An agreement, regardless of its quality, cannot be deemed a success if it cannot be shown that its major tenets have actually been applied to the conflict addressed by the mediation. To do so requires a case by case, qualitative analysis of conflict issues and agreement features in order to determine the key factors that must be instituted in order to suggest the possibility of success.

Of course, it is important not to set the bar too high on this test. In creating a narrower definition of re-entry, Burton suggests it to be “the return of the [mediation] participants to their home location to communicate to decision makers their

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<sup>89</sup> Walter, Barbara. “The Critical Barrier To Civil War Settlement” in International Organization, Vol. 51, Summer 1997. p. 335.

<sup>90</sup> Susskind and Cruikshank. p. 31-32.

agreement.”<sup>91</sup> This has important implications. In international mediations, where participants are representatives rather than sole disputants, no party to an agreement can immediately guarantee complete inaction of all its tenets. Whether minor diplomat or head of state, democrat or dictator, any agreement taken back to the populace will have to be sold, either to the people or fellow leaders. Horse trading will ensue, and seldom, particularly with complex settlements, will an agreement be fully instituted. The sign of a success, therefore, is an agreement well enough informed by the realities of the situation it is addressing to suggest it will be able to survive re-entry with its major tenets intact.

Once an agreement has been applied to the conflict in question, one can then begin to assess its impact. As already suggested, mediation is a real world undertaking, and this framework is outcome based. Hence, indication of the actual, demonstrable impact a mediation episode has on the conflict that precipitated it is vital in determining success. Establishing which indicators best suit such a process of determination is, of course, difficult. A complete cessation of all conflict behavior, or a complete resolution, while certainly indicative of success, are not the only possibilities. However, in attempting to discern a more modest cut-off point, one must be careful not to utilize the sort of arbitrary or subjective indicators already criticized. The variance between conflicts also suggests a plethora of possible indicators of impact, depending on the nature of individual conflict's issues and behavioral aspects. However, changes in conflict behavior post-mediation are identifiable and assessing those changes, and their linkages to the intent of any agreement, can be seen as suggesting success.

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<sup>91</sup> Burton, 1987. p. 9.

Of course, when assessing the impact of a given event and discussing it in relation to a mediated, instituted agreement, one must attempt to ensure a causal link between the two. Without such a link, behavioral and relationship changes, while still undeniably positive, cannot be accredited as indicators of successful mediation. In order to assess causality, one must carefully consider such changes as result post mediation and ensure both that they are developments that could be expected to result from such agreement, and that such agreement was in fact the primary cause of said behavior. Of course, this is difficult in the observational realm of evaluation being undertaken. No behavioral change is going to be solely due to a mediation episode. Many factors play a part in such behavioral changes, but it must be shown that the contents of the agreement, rather than other external factors, precipitated this change.

The final determinant factor is that of durability. As already discussed, this can be approached either quantitatively, by way of an agreement's time of maintenance, or qualitatively, by way of an assessment of a given agreement's ability to withstand potential threats to its maintenance. Although potentially important, the quantitative aspect is problematic. What might be considered an appropriate period of time elapsed for an agreement to be considered a success is likely to vary greatly depending on the nature of the conflict situation it is addressing and developments in light of the agreement. Likewise, it provides a potentially arbitrary delineation. Is an agreement that survives two years a durable one worthy of being coded as a success, while one that lasts twenty three months should be deemed a failure? Barring some incredibly well defined reason why a certain time scale should be used in a specific situation, this sort of approach does not provide for particularly insightful assessments, illustrating a major problem of broad quantitative analysis.



More useful, is a qualitative approach. In assessing the post agreement period, one can identify potential sources of threat to an established agreement (be they unpredictable events or expected problems that should have been taken into account in concluding and instituting the agreement) and clearly illustrate whether a given agreement has been able to overcome them intact. An agreement that can do so is not only likely to prove durable in a quantitative manner, but it can also be causally linked to its ongoing maintenance in that it has overcome difficulties. Meanwhile, an agreement which has simply lasted a long time may have only done so because a fortunately benign environment meant its durability was never truly tested. This then provides a more tangible suggestion of success.

Therefore, it is suggested that settlements born out of agreements that address the key concerns of a given conflict, are instituted with their major tenets regarding these concerns still intact, have a demonstrable (positive) impact, and show resistance to possible upheaval are likely to be deemed successes. In effect, the process is one of tracing an outcome through its development, assessing how each of these factors impacts on the others and on the overall outcome of the agreement. Of course, most conflicts will not exhibit such clear indicators. Hence it is important to follow every step closely if one is to get a picture of the nature of the conflict clear enough to make suggestions about its outcome. It is these suggestions that can then be used to illustrate which determinant factors may be seen as indicating success as opposed to failure within the transitory zone of the continuum, thus helping to frame success itself.

#### **4.c: SUMMARY**

Of course, this operationalization of the framework does not provide for a clear and absolute discernment of success for the purposes of definition. It cannot provide any absolutes that clearly suggest success or failure. Nor does it identify a single defining factor required for the determination of success in the evaluatory process. It does however suggest a method of evaluation that may serve the purpose of discerning between failed and successful outcomes in the potentially ambiguous transitory zone of the continuum, at which success at its most modest can be defined. To do so, assessment must necessarily be undertaken in an observational, qualitative manner on a case by case basis. As such, while generic quantitative approaches to measuring mediation outcomes may be seen as providing cleaner, more elegant results and a consistency across a range of assessments, they do not provide the depth of qualitative information required to really understand the nature of a specific mediatory episode's outcome. Hence, while no claim is made that this framework, in either its theoretical or operationalized aspect, can serve as a tool for authoritatively defining success across the board, it is hoped that by adapting a conception of mediation as an ongoing social process and success as an element of a continuum with its origins in conceptions of outcome based analysis of conflict settlement, some insight can be gained into how best to approach success in a broader sense.

## (5)

**TESTING THE FRAMEWORK:**  
**Camp David and The Oslo Process**

In order to investigate the postulations housed within the success continuum, it is important to consider them by way of case studies of actual mediation episodes. Given the weaknesses of empirically measured indicators of success and the qualitative nature of analysis suggested by the framework, case studies serve as a particularly useful tool for investigating the merits of the theoretical suppositions presented thus far.

By comprehensively investigating two particular cases of international mediation, it is hoped that the theories under consideration can be developed and discussed in the interests of further developing our understanding of, and questions regarding, the nature of success. In doing so, it is hoped that by both introducing a real world subject and utilising a theoretical perspective to determine what broad lessons may be learned from a given case study, the integrity of the project will be reinforced. Case studies chosen must be complex enough to challenge our conceptions of success, and ambiguous enough in their apparent results to justify the need for their investigation.

Of course, the theories developed in the preceding chapter were born out of a consideration of an array of approaches to understanding mediation outcomes and success. As such, it is important that those approaches are also considered in the assessment of the chosen cases. By applying such a range of approaches to the same mediatory episodes it is hoped that the evaluatory impact of such different approaches

(often ill defined at study outset) on our understanding of mediation outcomes and, hence, our conceptions of success or failure, will become evident. In considering the merits and/or failings of these approaches, observations regarding the merit of the developed framework will also be granted greater context. Thus, before investigating the merits of the framework itself, each case will be assessed on the basis of the following approaches: the idea of mediation itself as success; the neo-realist, conflict resolution and behavioural assessment schools of thought; and the goal assessment approach.

The cases chosen are those of the Camp David mediations between Israel and Egypt in 1979 and the Oslo process which involved Israel and the PLO in 1993. These cases were chosen for a number of reasons. Firstly, although involving different parties, the two episodes were both part of the same greater conflict situation, providing a certain continuity that, while not essential, may provide for some interesting insights. Secondly, while both were high profile cases, and trumpeted as notable breakthroughs at their conclusions, there is also much criticism of each process, and the merits of the outcomes they secured are open to debate. This contention is ideal, particularly for the purposes of discussing the continuum framework. Mediation agreements too obviously successes or failures would not provide a rigorous enough testing ground for the approaches in question. It is important to assess mediation outcomes that may be seen as residing in the transitory zone of the continuum, if one is to assess success at its origins. Furthermore, despite the many similarities between the two processes, there are enough differences in issues, participants and timing to ensure simple replication for discussion is avoided.

Finally, while both conflicts were clearly ripe for attempting mediation, there is little to suggest that the mediation episodes themselves were redundant.

## **5.a: CAMP DAVID**

### **a.i: Conflict Background<sup>92</sup> and Mediation History**

Notwithstanding the Biblical history of the Jews in Egypt, conflict between Israel and that nation, as with much of the region's conflict over the last fifty years, has had its origins in the establishment of the Jewish state. In the aftermath of World War Two, escalating tensions between Jews and Palestinians in the region, coupled with international sympathy for Jews in light of the Holocaust, resulted in United Nations plans for a division of Palestine into two separate states, one Jewish and one Arab. Arab nations rejected the suggestion, but Israel unilaterally proclaimed statehood on May 14, 1948.

The result was an invasion of the newly formed nation by surrounding Arab forces, including those of Egypt, sympathetic to the Palestinian cause and refusing to recognise the Israeli state. The following conflict was an intense, if intermittent one, lasting eight months with the initial inroads of the Arab forces stalled and reversed by staunch Israeli resistance. At the cessation of hostilities Israel was also able to seize control of much of what was then Palestine. This occupation would come to be a core issue of many future conflicts. By the time hostilities ended on January 7, 1949, some 16,000 troops and civilians had been killed and almost 800,000 Palestinian Arabs displaced. Although agreements were signed by Israel and its opponents, the evolution of the Israeli state is identified as leading to a subsequent nineteen conflicts

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<sup>92</sup> Bercovitch, Jacob *and* Jackson, Richard. International Conflict: A Chronological Encyclopedia Of Conflicts And Their Management 1945-1995, Washington, DC: Congressional Quarterly, 1997.

between Israel and Arab states over the next forty five years.<sup>93</sup> Along with a number of conflicts involving Syria and Jordan this included some bloody, bitter struggles with Egypt.

The Six Day War of June, 1967, was the first and most famous of these. Fearing assault from her Arab neighbours as a result of, among other things, direct Egyptian threats, Israel launched a devastating pre-emptive strike, quickly seizing the West Bank and Gaza, the Golan heights from Syria and the Sinai desert from Egypt. These acquisitions, although ensuring Israel's immediate security, ultimately served as points of contention for future conflict. Most notable of these was the Yom Kippur War of October, 1973, in which Egyptian and Syrian forces launched offensives to regain territory lost in the Six Day War. After withstanding initial advances, Israel drove deep into Egyptian and Syrian territories before an eventual cease-fire was declared on October 22, although the stand-off continued long after that, with tension between Israel and Egypt remaining high. Egyptian grievances regarding the Sinai and the state of Palestine had not been addressed and Israel's long term security concerns had certainly not been assuaged.

Out of this environment of mistrust and contention, however, developed an Israeli-Egyptian peace process, building on the 1974 disengagement treaty<sup>94</sup> and based around the principles of United Nations Security Council Resolution 242 (see Appendix 1), which called for an Israeli withdrawal and acknowledgements of sovereignty along with the necessity for freedom of navigation, a means to address the

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<sup>93</sup> Ibid. p. 57

<sup>94</sup> Bercovitch, Jacob. "A Case Study Of Mediation As A Method Of International Conflict Resolution: The Camp David Experience" in Review Of International Studies, Vol. 12, 1986. p. 53.

refugee problem and guarantees of territorial inviolability by way of demilitarised zones. In 1977, new American President, Jimmy Carter began what would become a term long endeavour to secure peace in the Middle East. Concerned with issues of “human rights, Israeli security, Soviet influence, Middle East peace [and] oil imports,” and the potential threat of the region to U.S. interests,<sup>95</sup> Carter undertook extensive research on the conflict, eventually coming to the conclusion that any just settlement would have to involve Israeli withdrawal back to its 1967 borders, the establishment of a Palestinian territory in the West Bank and Gaza and the establishment of normal relations between the Arab states and Israel. Carter was intent, in other words, on a comprehensive solution rather than simple interim agreements.<sup>96</sup> It was his initial intention to utilise the already existent Geneva framework, which would have involved all interested parties, including the Palestine Liberation Organisation and the USSR, meeting in conference. This particular approach was ultimately not followed, however. Both Egypt and Israel were wary of the Soviets, while Israel refused to deal with the PLO and Egypt was concerned about the possibility of multilateral talks hindering them in their most immediate goal of regaining the Sinai. Thus more direct talks, sometimes bilateral, sometimes involving the US, began in 1977. Despite Israeli offers to return the Sinai, however, these talks ultimately made little progress.

It was at this point that Carter suggested that himself, President Sadat of Egypt and Israeli Prime Minister Begin adjourn, with their various advisors and officials, to the presidential retreat of Camp David for direct, intensive talks. It was Carter’s intent to play the part of problem solver and facilitator. To this end, a number of specific

<sup>95</sup> Carter, Jimmy. Keeping Faith: Memoirs Of A President, New York: Bantam, 1982. p. 279

<sup>96</sup> Princen, Thomas. Intermediaries In International Conflict, Princeton, New Jersey: Princeton University Press, 1992. p. 70-71

points of contention were identified. These included, among other things: the status of Israeli settlements in the West Bank and Gaza as well as those in the Sinai; the issue of the Palestinian state (feared by Begin, seen as inevitable by Sadat); security concerns; interpretations of UNSC Resolution 242; the status of Jerusalem; and the issue of what to do with Palestinian refugees.<sup>97</sup> This array of disagreements suggested Carter had a very difficult task ahead of him. Illustrating this was the early breakdown in communication between Begin and Sadat, which saw Carter acting as a go-between and Israeli-Egyptian contact managed by various officials. The thirteen day process was fraught with difficulties borne out of not only the underlying issues, but also the divergent approaches to the mediation taken by Carter and the two foreign leaders. Eventually, Carter, intentionally or not, came to take on more of a traditional role utilising the Presidency in order to push the discourse forward, using the power of his position to cajole and threaten the other participants. After heading off any number of problems, Carter was finally able to confound expectations by securing two co-signed agreements.

The first of these, known as *The Framework For Peace In The Middle East* (see Appendix 2), established the guiding principles for the pursuit of peace in the region. As well as affirming Resolutions 242 and 338 (basically a reaffirmation of 242, in light of the Yom Kippur War, see Appendix 1) as the basis for peaceful settlement, the framework also suggested a means for addressing the Palestinian problem, a mutual commitment to not resort to this use of force. Beyond the simple avoidance of conflict, however, Carter's comprehensive vision of peace was recognised in the suggestion that steps be taken to establish full recognition, abolish

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<sup>97</sup> Carter. p. 354-356



economic boycotts and guarantee fair treatment of foreign nationals. Furthermore, the framework was suggested not simply as a document for the two disputants in question but also for Israel's future dealings with all other Arab nations.

The second document, the *Framework for the Conclusion of a Peace Treaty Between Egypt and Israel* (see Appendix 2), was intended to serve as the guiding document for a treaty between the two nations, to be concluded in the following three months. It included Israeli withdrawal from the Sinai (but maintenance of air bases for civilian purposes), freedom of passage for Israeli ships a number of guidelines for troop movements and a commitment to normalisation of relations upon signing the treaty. After considerable diplomatic manoeuvring, a peace treaty was eventually signed on March 26, 1979 (see Appendix 2).

Symbolically a success, and perhaps Carter's most recognised achievement in his single term Presidency, what can Camp David tell us about the means for evaluating mediation episodes and discerning their success?

#### **a.ii: Success By Occurrence**

For those who believe mediation's very occurrence denotes a success, Camp David was of course just that. At first glance this may seem trite, but it bears some consideration. Prior to Camp David, Israel and Egypt had been in a state of conflict verging on, and occasionally leading to, war, for some thirty years. A long enough period of time for any party to a conflict, for modern Israel, it was its entire history. A whole generation of Israelis had grown into adulthood believing, not incorrectly, that the surrounding Arab states were committed to their destruction. Likewise, already

sensitive about external involvement in their region, Egypt and the other Arab states had long seen the existence of a Jewish state as an affront imposed upon the region. These attitudes only hardened as the new state slowly gained control of both Palestinian and Egyptian land in ensuing conflicts. Adding to the entrenched views of both sides was the conflict's major religious component, particularly as regards the significance of many Israeli sites to both the Jewish and the Islamic faiths, which only served to further the distance between the two sides, as did the many deaths over the years.

Given this bleak backdrop, the mediation efforts at Camp David were a spectacular development. Not only were the leaders of both nations prepared to come together in a dialogue aimed at fostering peaceful relations, but a third party with the ability to play a major role in promoting such a dialogue was also committed to a mediatory process. In and of itself, these developments suggest, regardless of its impact, the move to mediation itself was such a major change in the conflict on both a behavioural and a relational level. Thus, the claim could perhaps be made that it was a success.

However, while there may be some merit to deeming Camp David a success on the basis of its occurrence, it is limited. While acknowledging what had been overcome in order to reach Camp David is important, it should be seen as heralding a success for the early diplomatic stages of Carter's peace initiative, not the mediation episode itself. Indeed, as to the question of whether the Camp David mediation was a success, it provides no real information. Certainly, the obstacles overcome in getting to Camp David may indicate there was a strong commitment amongst those involved

regards the success of the efforts. The almost unprecedented act of secluding three world leaders for such a period of time also suggested the talks were being taken very seriously. However, these factors are ultimately only suggestive of the fact that there was a chance of successful mediation. They do not tell us anything about the episode itself. Even if one were to work under the limitations of output analysis alone, this approach would suggest little of merit. It does suggest that perhaps, due to the preparedness and need of the respective hierarchies to address their ongoing conflict, the conflict was ripe for such an attempt to be made, but not so much so that one can say 'success' was assured. Furthermore, while in this case mediation itself was noteworthy as a breakthrough, what value as an indicator of success does it provide in situations where mediation is considered a matter of course? In many international settings minor issues of conflict between parties with less tenuous relations than Israel and Egypt, can routinely be handled with mediation episodes. In these situations, should the very act of mediation be heralded as a success? Arguably not.

Ultimately, therefore, it is clear that while in the case of Camp David, the adjournment to mediation was a notable event, and a great stepping stone in the relationship between the two parties, the idea of using mediation itself as an indicator of success is of limited utility.

### **a.iii: Neo-realist, Conflict Resolution and Behavioural Approaches**

Possibly more informative are the Neo-realist, problem solving/resolution and behavioural approaches to understanding conflict outcomes.

A neo-realist perspective, anchored in concepts of power politics and conflict as a natural systemic feature, would probably deem Camp David a success. As Princen indicates, Carter attempted to play the role of facilitator and problem solver, but was ultimately constrained by the mantle of the Presidency to act in a manner consistent with the mantle of the American presidency.<sup>98</sup> Hence, Carter utilised his position, threatening withdrawal from proceedings, offering aid by the billions and manoeuvring the participants towards an agreement. Thus, Camp David was an exercise in traditional political direction.<sup>99</sup> However, this was a game that Carter played well. By avoiding emotive issues (that may admittedly have led to a more resolution oriented outcome), utilising America's position of influence and playing on the fact that both sides considered their relations with the super-power to be of key concern, he was able to secure both a framework for Middle East peace, dealing with the Palestinian situation, and a commitment to enter into bi-lateral treaty negotiations. Within the neo-realist rubric, this commitment to a treaty, followed as it was by the treaty itself, the return of the Sinai and increasing normalisation of relations between Egypt and Israel, could be seen as indicating an achievement worthy of being coined successful. Of course, the commitment to the Palestinian issue was deliberately vague, and eventually sacrificed in the interests of a bi-lateral treaty, removing the motivation for wider Arab involvement. However, these concerns would not necessarily affect the neo-realist assessment. While resolution for the Palestinian situation and the broader Middle East was desirable, a neo-realist view point would contend it to be somewhat unrealistic, instead suggesting that in an environment of constant competition and jockeying for power, what was achieved was close enough to what could be achieved to constitute success.

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<sup>98</sup> Princen. p. 70

<sup>99</sup> Ibid. p. 67

Of course, for those of the problem solving, conflict resolution school, with its understanding of conflict as an addressable product of structural dysfunction, these criteria would not be stringent enough. Carter's move away from problem solving and the goal of a broad and comprehensive peace would be seen as indicative of the traditional power politic compromise and suggestive of an outcome shy of true success. In this school of thought, the potential of the Camp David Accords would have been seen as lying not in the (ultimately achieved) promises of a bi-lateral ceasefire between Israel and Egypt, but the suggestions it made as a framework for future peace, and resolution of Palestine issues which were at the very heart of all Israel's conflict in the region. By this token, it was the concepts behind the framework that offered the most. However, its ambiguous approach and ultimate avoidance indicated a piecemeal process, that, while providing limited peace in one aspect of Middle-East relations, did little else. Israel's ongoing struggle with Palestinian militancy and its various conflicts with Iraq, Jordan, Lebanon and Syria are all evidence of this. Furthermore, the more 'resolution suggestive' aspects of the peace treaty that were instituted as regards the normalisation of Israeli Egyptian relations have arguably been followed to the letter, but not the spirit, causing dissatisfaction amongst those, particularly Israelis, with higher expectations.<sup>100</sup> This, in conjunction with the failure to tie basic bilateral settlement to the broader issues of concern suggest an outcome that fell short of real success.

Thus, we see how a differing set of priorities, and understanding of conflict, suggest a considerably different interpretation. In some ways, this reading may seem harsh. Driven by practical constraints, Begin, Sadat and Carter settled on what they

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<sup>100</sup> Lesch, Anne Mosely *and* Tessler, Mark Israel, Egypt, And The Palestinians: From Camp David To Intifada, Bloomington, Indiana: Indiana University Press, 1989. p. 7

believed they could make work. Nonetheless, this undoubtedly fell short of conflict resolution in the truest sense.

An approach focussing simply on measurable behaviour, by comparison, might perhaps provide a reading more in line with that of the neo-realist. In focusing the assessment on only clearly measurable indicators, success is somewhat easier to suggest. Relations between Israel and Egypt certainly improved. In completing Camp David, and following through with the March 26, 1979 Peace Treaty, an array of behavioural aspects of conflict between the two were dealt with. This could be seen in the return of seized territory, the opening of economic relations, high level interaction and various other behavioural indicators. Of course, the continuation of much conflictual behaviour in the broader context of the Middle East would not be dismissed in this approach. However, such behaviour resembles the pre-mediation status quo, rather than a backwards step, while the progress evident in the development of interaction between Israel and Egypt does suggest sufficient success.

It seems evident that, while there is a natural tendency for behaviourally focussed and neo-realist approaches to suggest similar outcomes, approaching Camp David from the mindset of the conflict resolution school suggests a markedly different assessment. While neither is 'right' *per se*, it seems evident that the resolution focussed approach is considerably more stringent. Thus, by framing success as only evident in comprehensive outcomes, its incidence is diminished. It is evident how such an approach may alter one's assessment. In turn, this highlights the importance of clarifying one's approach at the outset of an assessment and the difficulties

presented by the possibilities of such divergent approaches in attempting to establish a more general understanding of what success entails.

#### **a.iv: Goals Based Approach**

Utilising a goals based analysis in assessment of Camp David provides a different approach. Assessing the success of a mediation episode on the basis of the achievement of party goals is an approach of some merit, but one fraught with interpretative difficulties, as shall be seen.

On superficial inspection, one might suggest Carter's perspective of the mediation effort would be failure. Given his focus on an all encompassing, comprehensive plan for peace, it seems evident that his goal was not achieved. However, Carter was able to secure an agreement, a fact that participants noticed he was intensely focused on. Indeed he was able to secure an agreement where none had been thought possible and, hence, regardless of the diminished nature of its focus on the Palestinian issue and the broader concept of Middle Eastern peace, Carter's participation might most easily be deemed a success. However, in these competing conceptions, the difficulties of goal based analysis are exposed. Should one assess Carter's achievements on the basis of his original goals, or on his achievement of the more basic, politically driven, desire to obtain an agreement and prop up his presidency?<sup>101</sup> Are minimum goals more salient than maximum aspirations in assessing success? In the case of Carter, one would be inclined to suggest that the more modest goals he achieved were significant enough to suggest a qualified

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<sup>101</sup> Princen. p. 101

success, but the issue raised as regards the difficulties of assessing outcomes on a goals focussed basis are salient ones.

Likewise, analysis of Sadat's degree of success raise some interesting issues. Intent on shoring up an economy that could no longer support conflict on the level it was being asked to, and intent on securing the return of the Sinai territory, Sadat had at least, two easily measurable goals. Arguably, he achieved both. As a result of the treaty stemming from Camp David, Egypt regained possession of the Sinai after Israeli withdrawals, and its economy began to show marked improvement as a result of the reduced military requirements brought about by the treaty.<sup>102</sup> In the illustratable achievement of clearly articulated goals, Sadat's efforts would appear to suggest a successful mediatory episode. This is reinforced by the manner in which he was also able to secure improved relations with the United States. However, the Sinai was in many ways a secondary aspect of the conflict. Its occupation was a by-product of the greater Arab-Israeli conflict. Hence, Sadat's inability to ensure the sort of resolution to the Palestinian problem he had desired, despite trying to make normalisation conditional on such development,<sup>103</sup> suggests he failed in what was arguably his and the Arab world's primary goal. This may be seen as counterbalancing other achievements. However, it could be suggested that in signing off on a deliberately imprecise framework and then accepting a treaty that did not address the Palestinian issue, Sadat had simply made a cost benefit analysis and revised his goals to a more realistic level. This would therefore suggest his effort to be a success, and, indeed, they were generally perceived as such. However, it again raises the question of how to establish the primacy of competing goals in mediation assessment.

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<sup>102</sup> Ibid. p. 9

<sup>103</sup> Ibid. p. 5



Most difficult to assess, however, is whether Begin's efforts should be deemed a success. The Israeli ability to secure normalised relations with Egypt without having to take any substantive action regards the Palestinian issue seems a clear indicator of success. Admittedly, the Sinai was traded away, but the security it bought arguably nullified that loss. However, the move of the Camp David process away from comprehensive peace meant that, although Begin avoided costly trade-offs, any intent he may have had for Israel's security beyond settling its conflict with Egypt were also missed. Israel's ongoing internal strife, coupled with conflicts with other Arab states meant that ultimately only one aspect of security directly improved. Coupled with suggestions that perhaps the normalisation of relations was only occurring to a more limited extent than Israelis had hoped,<sup>104</sup> the idea that Camp David was a success from Begin's perspective is more questionable. The balance of information would suggest that although not really a failure, it was not much of a success. Of course, this is based on a subjective interpretation of available information, thus highlighting the ultimately interpretative, and potentially arbitrary nature of goals based assessment in border-line cases.

In utilising a goals based approach, one is presented with (in this case) three possible interpretations of the process under consideration. Thus, while for those involved this approach may suffice, for the independent observer it seems problematic. How does one incorporate three different perspectives, and a multitude of goals, in making an overall conclusion regarding a mediation outcome? Any attempt must necessarily involve both subjective and ultimately arbitrary assessments

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<sup>104</sup> Ibid. p. 81-82

of which goals serve as the best indicators of success. The result being an assessment largely defined by evaluator interpretations.

#### a.v: **Applying The Framework**

How then, would a framework aimed at tracing mediation as an evolutionary process and focussing on success as it features within the transitory zone, code the Camp David process? As suggested, such an assessment involves considering mediation outcomes as developing phenomena, best assessed by tracing the nature of that development from agreement through re-entry, impact and durability. Given the nature of the issues and behaviour patterns associated with the Israeli-Egyptian conflict, the agreements reached at Camp David imply the origins of what might be a successful episode. The framework for the future treaty provides commitments to work on a treaty that would return the Sinai to Egypt, ensure safe passage through various waterways for Israeli ships, suggest military force placements and, upon signing, the normalisation of relations. As a commitment made by two disputants, this serves as a more than satisfactory indicator of the potential for settlement. Major changes are suggested and, in the case of force positioning, detailed guidelines are set up, all of which could be seen as addressing well the conflict behaviour between the two. *The Framework for Peace in the Middle East* serves to suggest the possibility of more comprehensive resolution, which would serve to shift the agreement at least, further to the right of the continuum. Of course, the ambiguous nature of that document serves to undermine this. Nonetheless, it is still indicative of success at a basic settlement level.

Of course, as Honeyman suggests, this ‘clash of cymbals’ should not conclude our assessment.<sup>105</sup> An agreement’s practical impact is largely dictated by the manner in which it is introduced to, and instituted by, those it will effect. This task was to prove particularly difficult in the case of Camp David, thus making the issue of re-entry all the more important in attempting to assess its success or failure.

As Princen indicates, “in many ways, Carter was to discover, the hard part lay ahead.”<sup>106</sup> As already suggested, one of the prime problems of instituting mediation agreements born out of processes involving representative bargainers is that they must ultimately be ratified by other parties before institution. This was a particular problem as regards Israel. Begin spent much time to-ing and fro-ing with the Knesset in what became a multilateral process of hard bargaining and political manoeuvring. Ultimately of course, a peace treaty was signed and instituted. However, it only addressed the treaty framework, not the broader issues of Palestine or relations with the other Arab states. In this, we see a major degradation, from what was proposed, to what was instituted. However, while this qualifies the success of the process, it does not deny it. The details contained within the eventual treaty can be seen as necessary for suggesting a settlement in the narrow, bilateral aspect of the conflict. Certainly, much was lost ‘twixt cup and mouth’, but it was not entirely unexpected, and it was arguably a conscious decision by those involved to focus on the readily possible, rather than the (in the eyes of some at least) ideal.

However, the real test of the process is its eventual impact. While more limited than perhaps originally hoped for, by Carter at least, it seems evident that the

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<sup>105</sup> Honeyman. p. 8

<sup>106</sup> Princen. p. 83

treaty that was instituted was largely successful in its realisation. The Sinai was returned, ambassadors were exchanged and relations were normalised. Of course, the quality of the normalisation has been called into question, with Israelis feeling they weren't getting what they had hoped for. However, some in Israel down-play this, suggesting that if an avoidance of war was the treaty's only outcome, that is enough to suggest success.<sup>107</sup> Admittedly, this new found peace has had its causal link to the treaty called into question. Isaac<sup>108</sup> points out that while it is true that Egypt and Israel have not made war since signing the treaty, neither have Israel and Syria. Thus, the causal link has been called into question. This seems a little trite, however. Most obviously, Israel, while not entering a war, has had a number of conflicts with Syria since the treaty was signed. Also, it is possible that avoidance of actual war between those two was influenced by closer Israeli-Egyptian ties.

Ultimately, the impact of the treaty that stemmed from Camp David is consistent with that of successful conflict settlement. Its achievements are not beyond question, nor total by any stretch of the imagination, but they are certainly sufficient to suggest a modest success. The final test of the process, is that regarding its durability. By any quantitative measure, the treaty has lasted well, with peace between Israel and Egypt consistently, if at times coldly, maintained. A qualitative assessment of its durability *vis-à-vis* its resistance to threat paints a more interesting picture, however. Most obvious for consideration is the impact of the 1981 assassination of Anwar Sadat. Changes of leadership are always a test of any policy, and to have change precipitated by such violence only extenuates this. Misgivings about whether or not the policies of Sadat could survive him came to the fore, causing

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<sup>107</sup> Isaac, Raael Jean. "The Real Lessons Of Camp David" in Commentary, December 1993. p. 34

<sup>108</sup> Ibid. p. 34

considerable anxiety amongst Israel's hierarchy.<sup>109</sup> Combined with Reagan's accession to the Presidency in America, this led to calls for Israel to re-examine its place in the peace process. In turn, this led to an array of upheavals within Israel. Begin, however, was committed to the peace process and determined to see Israel honour its formal commitments. Thus, despite a major threat, the peace process continued. Meanwhile, Egyptian views on the process were shaken by such Israeli actions as the 1982 invasion of Lebanon, which caused doubts in the minds of the public, and threatened to make the process politically untenable. However, it ultimately survived.

The inability to resolve any of the major issues at the root of the conflict means that its outcome, focussed on simple settlement, sits squarely within the transitory zone of the success continuum. However, investigation by way of the operationalized framework suggests Camp David to be a success. Although not presenting an effective means for resolving the greater conflict, the agreements signed at its conclusion did provide significant guidelines for settlement of the bi-lateral aspects of conflict between Egypt and Israel. Although its re-entry saw further moves away from any real effort at resolution, the intent of the more realistic bi-lateral aspects was carried over into an operational peace treaty. Not only did this peace treaty result in measurable indicators of behavioural changes, but it also exhibited the durability required to survive potential upset.

In utilising the framework under construction, it becomes evident that Camp David's outcome does indeed require re-evaluation at each stage of the process. Were

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<sup>109</sup> Bar-Siman-Tov, Yaacov. Israel And The Peace Process, 1977-1982, New York: State University Of New York Press, 1994. p. 218

one to simply focus on the agreement, for example, one might be left with a rosier picture than would ultimately reflect reality. In tracing the process through its phases however, one gains a better understanding of the nature/degree of and, qualifications on, its success. Thus, while it sits in the transitory zone of settled, but unresolved conflicts, it is of sufficient quality to suggest success.

#### **a.vi: Observations**

In the case of Camp David at least, it seems that both the ‘mediation as success’ school of thought and goals based approaches to assessment, do not provide enough of an insight to the event to clearly, and without subjective evaluator interpretation, suggest its success in a satisfactory manner. How then does the framework perform?

Ultimately, it suggests an outcome similar to that reached by the neo-realist and behavioural approaches. This is perhaps unsurprising. As the framework focuses on modest outcomes (settlements) as the range in which success can be discerned, contentious cases are more likely to be deemed a success by one utilising the framework, than by a member of the conflict resolution school. This is indicative too of the behavioural focus of much of the assessment on identifying determinant factors that discern success from failure within the realm of settlement.

## 5.b: THE OSLO ACCORDS

### b.i: Conflict Background<sup>110</sup> and Mediation History

As suggested in the review of the Israeli-Egyptian conflict, issues surrounding Israel's displacement of Palestine are at the heart of much of the region's conflict, and arguably all of Israel's. By the end of Israel's independence struggle, it controlled all of Palestine with the exception of the West Bank, Gaza and the Golan Heights. As Israel's occupation continued, despite regional and UN criticism, Palestinian militancy flourished, resulting in regular street violence and the evolution of modern terrorist tactics. As Israel continued to settle occupied territory, the conflict continued to escalate, with Israeli forces chasing the Palestine Liberation Organisation into exile, invading Lebanon, and suffering through the intifada. Widely supported by Arab neighbours and the USSR, the Palestinian opposition appeared as intractable as Israel herself.

By 1991, however, there was a growing sentiment that the time was right to resolve the long festering' Arab-Israeli conflict.<sup>111</sup> In part, this was due to the end of the cold war rivalry between the US and the Soviet Union. The pre-eminence of US-Soviet differences in the post-war era, and their respective ties to Israel and the Islamic states, made genuine conflict management difficult.<sup>112</sup> With that phase of their relationship being firmly relegated to the past, however, the US and Soviet Union encouraged a conference in Madrid that in turn led to bilateral talks in Washington, DC, between Israel and an array of entities from the Arab powers. Amongst these

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<sup>110</sup> Bercovitch *and* Jackson.

<sup>111</sup> Pruitt, Dean. Bercovitch, Jacob. Zartman, William. "A Brief History Of The Oslo Talks" in International Negotiation, Vol. 7, 1997. p. 17

<sup>112</sup> Bercovitch, Jacob. "Conflict Management And The Oslo Experience: Assessing The Success Of Israeli-Palestinian Peacemaking" in International Negotiation, Vol. 2, 1997. p. 223

groups was a Palestinian delegation of non-PLO members (it being against Israeli law to consort with members of the perceived terrorist organisation). However, it soon became obvious that the Palestinian representatives were powerless to act without the PLO's blessing. In turn, the PLO was unlikely to give any such blessing to a process in which it was not recognised as a participant. However, in the aftermath of the Gulf-War, both Israel and the PLO were increasingly determined to make progress. The PLO was crippled as a result of its unpopular support of Saddam Hussein's Iraqi invasion of Kuwait, which cost it in financial backing already depleted by the demise of Soviet support. Israel, meanwhile, found itself in a position of comparatively good standing, having resisted Iraqi attempts to draw it into the Iraq-Kuwait Gulf conflict, and was worn down by the intifada, and years of internal conflict. Thus, a second channel of talks was surreptitiously set up in Oslo by a Norwegian academic, Terje Larsen.

Present at these negotiations were several PLO members and two Israeli academics appearing on behalf of Israel, but not in a strictly official capacity. Several rounds of talks ensued, and plans were drawn up for an Israeli withdrawal from Gaza and a deferment of action on the question of Jerusalem. After five rounds, however, the Palestinians became disenchanted at not being able to directly deal with Israeli authorities. Impressed by the progress being made, Israel responded by sending the Director General of the Foreign Ministry, Uri Shavir. The introduction of official Israeli representatives legitimised the process in the eyes of the Palestinians and enabled its continuation. Many crises were encountered as both sides shifted their positions regularly, but skilled mediation by the Norwegian intermediaries (which included shuttling discussion between Peres, who was in touch with Rabin by phone,



in one room and Arafat on a phone line in the other), saw an agreement signed on August 20, 1993. After the Accords' ratification in the Israeli Knesset, it was then famously signed by Arafat and Rabin in an unprecedented ceremony on the White house lawn on September 13, 1993. Contained within the document was a declaration of principles (see Appendix 3), detailing plans for Palestinian self government in the West Bank and Gaza and which resulted in an Israeli acknowledgement of the PLO as a representative of the Palestinian people, the PLO's recognition of Israel's right to exist in "peace and security", the establishment of Palestinian governance in Jericho, the Gaza Strip and other parts of the West Bank, and the establishment of a Palestinian police force and commitments to eventually address the future of Jerusalem.

How, then, will this more recent attempt to resolve the core Middle-Eastern conflict stand up to the varying forms of assessment at hand, and what will it suggest about the newly developed framework for understanding success?

#### **b.ii: Success By Occurrence**

As with Camp David, if one believes the very act of mediation denotes success, then the Oslo process was a triumph. However, while this suggestion was largely discredited with regard to the Israeli Egyptian process, in this case it may have more merit.

Given the Israeli reluctance to recognise the PLO as an entity, or allow direct interaction with its representatives, and the long held Palestinian belief in the illegitimacy not only of Israel's 1967 territory games, but of the state in its entirety,

the act of face to face interaction, particularly once Israeli officials became involved, was notable. Indeed, the tacit acceptance of each other implied by the negotiation/mediation process can be seen as a clear and fundamental shift on a behavioural, and a relational level. It signalled an Israeli willingness to address issues of Palestinian self determination with one of its most identifiable figures (PLO leader, Yasser Arafat) while the very act of bargaining by the PLO suggested a move away from any maximalist ideals of a 'complete' Palestine. Thus, in many respects, the process itself was as much of a breakthrough as any agreement that could have been derived from it. This is particularly evident due to the unique nature in which the Israeli recognition of the process and willingness to deal directly with the PLO was actually born out of the progress made in the process' earlier rounds. This does not validate the idea as a general means of assessment, however. If few conflicts are as entrenched as the one between Israel and Egypt, it is arguable none run deeper than that between Israel and the Palestinians its statehood and military actions displaced. Hence, while it has some merit in this case, the case's unique nature, both as regards the nature of the conflict and the unique development of its mediation process means that this should not be seen as suggesting merit in the approach as a whole. Also, the idea of suggesting success in a process without careful consideration of the process or its outcome still seems suspect.

### **b.iii: Neo-realist, Conflict Resolution and Behavioural Approaches**

Alas, other approaches to assessing the success of the Oslo process are less flattering. From a neo-realist perspective, one might detect early signs of success in the Oslo process. Those issues deemed manageable by its participants were addressed, and practical means for their management were considered. However, while a neo-

realist approach to conflict and its management may set less demanding targets than a conflict resolution approach, there is still much to suggest that Oslo was ultimately a failure. While early indicators were hopeful, suggesting as they did that progress was being made, a longer term assessment highlights ongoing security concerns which tend to indicate there is little to suggest success beyond the political achievement of the agreement itself.

For those utilising the requirements of conflict resolution and problem solving in their assessment, Oslo must also seem a failure. In approaching the Palestinian issue directly, the Oslo Accords had a much greater chance of providing for the resolution of the Middle Eastern conflict than did the ultimately bilateral Camp David agreements. *The Declaration of Principles* provided not simply for a transition of power, but an array of means for ensuring ongoing peace and development, including guidelines for mutually beneficial economic development, and dispute resolution may have been suggestive of a desire to go beyond simple settlement and into the realm of broader resolution. This was the theory.

Unfortunately, the reality has proved considerably more bleak. While initial withdrawals and the flush of post-Oslo positivity teasingly suggested the best, mounting evidence to suggest neither side was living up to the terms of the treaty, coupled with ongoing violence, have indicated that all that was ultimately achieved was a temporary behavioural shift. The overarching issues at the root of that behaviour were ultimately left unchanged, or, if changed, have since undergone a reversion.

A behaviourally focussed approach meanwhile, could suggest varying results. At the highest levels, there was certainly evidence of a positive shift in behaviour, and Israeli withdrawals and the institution of Palestinian governance certainly suggest success. The deaths of fifteen Israelis in militant attacks during the first six months of autonomy however, serve as an indicator that while overarching, high level behavioural changes may have been enacted, little had changed at the grass roots level of the conflict. The further forward in time one travels with this analysis, the more clear this becomes, with the eventual result seeming to be the complete breakdown of relations between Arafat's PLO and the Israeli government. This is evidenced most dramatically, perhaps, by the recent siege on the Chairman's headquarters by Israeli tanks as part of a sweeping Israeli military incursion into Palestinian territory (April 2002). Thus, it seems that if one is to ignore the symbolic aspects of the Accords, and their perceived breakthroughs and simply consider the alterations made to basic conflict behaviour, Oslo, especially in the longer term analysis, would have to be coded a failure.

In the case of Oslo, the three approaches provide similar results. However, with regard to the neo-realist and behavioural approaches, this negative conception of the process is only achieved if one focuses on a long term assessment. Short term achievements may otherwise provide misleadingly positive results. This further reinforces the supposition that in order to understand success, or define any outcome as truly successful, one must undertake to study mediation outcomes as ongoing processes, not simply as discrete events.

#### **a.iv: Goals Based Approach**

How then would a goals based approach fair? With the Norwegian mediation effort providing a less invasive presence, only the disputants shall be considered in this case.

Recent events clearly indicate that the PLO have not gained what it may have wished for. The economic lot of the average Palestinian has, if anything, declined,<sup>113</sup> the violence and Israeli incursions continue and there is certainly no obvious likelihood of an independent Palestinian state developing in the near future. However, there were gains made that could be seen as implying success. Given the weak position of the PLO entering into the Oslo process, the organisation's very survival must have played a part in Arafat and company's expectations. Out of favour in the region and out of fashion among the new generation of Palestinian activists, the Oslo process provided a lifeline to the PLO. Upon its conclusion, the PLO were positioned as the pre-eminent representative of Palestinian external affairs. Furthermore, they had gone some of the way to redeeming themselves in western and Israeli eyes for the grievous political error of supporting Saddam Hussein. The tacit acknowledgement of legitimacy granted them by Israel by the bargaining process alone, and the explicit recognition granted at its conclusion, were also notable successes. Although an idealist would suggest that the ultimate failure of the Oslo process in providing an independent Palestine would suggest a failure for the PLO, the achievement of these more self-serving goals may have been seen as being almost as important. Hence establishing how to define the outcome of the Oslo process rests largely on what salience should be granted to these two differing goal strands. Should the

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<sup>113</sup> Rubner, Michael. "The Oslo Peace Process Through three Lenses" in Middle East Policy, October 1998. p. 192

organisational goals of Arafat and the PLO be taking into account in assessing the success of a mediation episode ostensibly intended to address the issue of the whole nation? Deciding such matters ultimately has as much impact on the definition of success in a given case as does its actual outcomes.

For Israel, the goal was not so much legitimacy as it was security. Rubner quotes Makovsky<sup>114</sup> in identifying three major goals in this regard.<sup>115</sup> Firstly, Rabin hoped that a deal with the PLO would reduce the incidence of terrorism. Secondly, he believed that in reaching agreement with Israel, the PLO would be more motivated to combat more radical Palestinian organisations, in order to ensure its survival. Finally, it was hoped that an agreement would enable advancement of the peace process *vis-à-vis* other nations.

Obviously, Rabin's goals for Israel's security were not achieved. According to Israeli security services, although the number of suicide bombers declined somewhat in the years following Oslo, in total there have been ninety-three such attacks between 1994 and April 5, 2002, including 64 in the fifteen months beginning at the start of 2001 as all pretence of forward progress in the peace process seems to have been abandoned.<sup>116</sup> This statistic is, of course, the most dramatic example of the failure of Oslo to ensure Israeli security, but it is representative of a general trend. The immediate post-Oslo period did see some developments in Israeli relations with its neighbours of course, as witnessed by its with Jordan in 1994. However, it would seem that these achievements must be small boon considering the failure to ensure the

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<sup>114</sup> Makovsky, David. Making Peace With The PLO, Oxford: Westview Press, 1996.

<sup>115</sup> Rubner. p. 92

<sup>116</sup> Ripley, Amanda. "Why Suicide Bombing Is Now All The Rage" in Time, April 15 2002. p. 28

personal security of the Jewish populace on a general basis. Thus, the goal based analysis is perhaps a little more clear cut. While some achievements were made, the process itself, particularly in the longer term, must be considered a failure. This highlights the fact that a simple goals based analysis can prove useful in some circumstances, but it still seems to be of limited utility.

In the case of Oslo, the goals based approach suggests a degree of failure from the perspective of either party. However, particularly when interpreting Arafat's achievements, one must determine which goals should take priority, those of political self interest or those of broader conflict management? While it is easy to suggest the latter, it is difficult to suggest with certainty what underlying motivations may have been factors, thus calling such assessment into question.

#### **a.v: Applying The Framework**

##### **Agreement**

The Oslo agreement, as it appears in *The Declaration Of Principles*, is one which addresses a number of major issues of contention for the Palestinian people and provides details of how they shall be dealt with. Articles referring to the election of a representative council, the withdrawal of Israeli troops, relations with Jordan and Egypt, economic relations, and the resolution of disputes are all included. In this, we see a credible agreement that addresses certain aspects of the conflict well. Indeed, in providing self determination and the potential for economic advancement, aspects of the Oslo accords plant seeds of resolution, not simply settlement. However, much like Camp David avoided the Palestinian question, Oslo avoids the vital issues associated with Jerusalem. Thus, while some aspects are well addressed, too much is left undone,

especially given the fluid nature of relations in the region. This alone does not denote a failed agreement, however. There is, as suggested, much to like about the Oslo Accords. This positivity must simply be qualified by the acknowledgement that it was not an entirely comprehensive plan.

### **Re-entry**

It is at the re-entry phase that the Oslo process' problems really become evident. On the Israeli side, the Accords were, in stark contrast to Camp David, swiftly ratified by the Knesset, enabling the September 13 White House ceremony. Thus, the Oslo agreement reached the status of a binding document relatively intact. On the Palestinian side, however, there were fundamental problems. Although they served as the Palestinian presence at Oslo, the PLO were not the sole, nor the official representatives of their people in any practical sense. Thus, an agreement had been signed on behalf of people who had no desire for the sort of recognition of and dealing with Israel that the Accords provided for. The radical militants of groups such as Hamas, therefore, did not feel any duty to follow the Accords.

Much as Camp David's approach to region-wide peace failed because it was ultimately only a bilateral agreement, so too the Oslo accords proved problematic because they too were a bilateral agreement between Israel and one Palestinian faction. Thus, its re-entry was destined to be unsatisfactory in that regard. Furthermore, the fact that much of the conflict extended beyond official interaction<sup>117</sup> caused problems. Where two leaders can exert control over their armies sufficient to avoid armed conflict, in a guerrilla war of terror, no one body can hope to control all

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<sup>117</sup> That is to say, much of the conflict behaviour was undertaken by forces and individuals beyond, or beneath, official control.



factions. Thus, while the fact that much of the spirit of Camp David did not trickle down to the average Egyptian was marginalized because much of the conflict was undertaken at an 'official' (military and diplomatic) level, in the case of the Palestinian situation, it was vital that any agreement be adopted by the people. Arafat was particularly unsuited for ensuring this. Thus, while a relatively pure agreement was finalised, it could not be fully disseminated, meaning that, while the major tenets of the agreement were in fact instituted, they were not accepted widely enough to enable that to translate into a tangible impact. Here we see the vital importance of considering not simply the quality of an agreement, but the nature of its establishment.

### **Impact**

Partially due to the problems of re-entry, the impact of the Oslo Accords has been less than ideal. On paper, a number of their major goals have been achieved, as regards the withdrawal of Israeli forces and establishment of a Palestinian Authority. However, while these aspects were achieved, further progress has stalled, and the underlying motivations of peace and security were never achieved. In part, this was due to the fact that the Accords' achievements did not trickle down to the 'man in the street'. For Palestinians in particular, the political and diplomatic advances that came courtesy of the process did not translate into tangible economic benefits of the sort that had been hoped for.<sup>118</sup> Israelis, meanwhile, saw little evidence of improved personal safety. Systematic treaty breaches can also be attributed to each side. The Palestinian Authority unilaterally increased its security forces as well as failing to effectively address terrorism, while Israel has balked on aspects of its planned

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<sup>118</sup> Rubner. p. 193

withdrawal and continued contentious settlement policies in contested regions. This all served to create an environment ripe for continuation of the conflict, and its escalation.

### **Durability**

This leads into the issue of durability. The Oslo peace has ultimately not been able to survive at least in part because it provided no real means for dealing with the dissatisfaction of the many Palestinians that had no say in its creation. Ultimately therefore, these attacks became unendurable to both the Israelis and the peace process. Meanwhile, Oslo, like Camp David, was also thrown into crisis when one of its main protagonists, PM Yitzhak Rabin, was assassinated by a disaffected Israeli in 1995. However, where Camp David endured, Oslo faltered, with Rabin's leading to Peres' succession and eventually, the rise to power of Likud, and its leader, Binyamin Netanyahu, a harsh critic of Oslo. These factors all undermined any positive impact that Oslo could have had (as well as explaining many negative things from impact) .

Like Camp David, the Oslo process sits in the transitory zone of the success continuum. Although not comprehensive enough to suggest resolution, it nonetheless provided an agreement sufficient to suggest settlement. However, unlike Camp David, the Oslo process did not fare well in its development. While it was ratified by the Israeli Knesset, it could not be fully disseminated amongst a Palestinian community that did not necessarily identify with its representatives. Hence, while its early phases had a significant positive impact, it was not widely enough accepted to avoid the continued violence it was intended to address. Its inability to then withstand this violence and shifts in the Israeli political situation thus suggest it to be a failure.

### **b.vi: Observations**

Although proving somewhat more relevant in the case of Oslo, the success as occurrence approach to mediation is still questioned in its assessment of the case. While it rightly points to many significant achievements in the process itself, it ultimately does not reflect the reality of Oslo's outcome. Likewise, while presenting indicators of failure, a goals based approach is vulnerable, as it was regarding Camp David, to interpretive subjectivity in making assessment conclusions. The framework for success, meanwhile, again draws results corresponding to behavioural and neo-realist interpretations, as well with those of the conflict resolution school, in this case. Again it therefore does not provide a radically different final conclusion. However, in its assessment of the development of the mediation agreement it does again provide a greater insight into the nature of the breakdown. The causes of Oslo's failure are highlighted as regards re-entry and durability and, thus, possible focuses for determining success within the transitory zone are suggested.

### **5.c: SUMMARY**

Having considered these two cases of Middle-Eastern mediation, some preliminary observations can be made regarding the nature of the success continuum framework.

As far as suggesting success or failure, the framework did not ultimately provide a particularly unique assessment of either conflict. Suggesting Camp David to be a qualified success and Oslo to be an unfortunate failure is hardly revolutionary. However, in tracing the development of each settlement outcome, the framework does provide the means for understanding which factors determined the success or failure

of their respective episodes. Both mediations resulted in agreements that provided credible opportunities for settlement while shying away from more contentious issues, and hence any chance of comprehensive resolution. However, in the case of Oslo, the agreement in question suffered in its re-entry as a result of divisions amongst the various Palestinian organisations. This, coupled with its inability to endure a number of environmental challenges meant that its eventual impact, although initially promising, was ultimately undermined to the point that any advances now seem negligible.

As such, the determinant factors of Oslo's failure were its poor re-entry and its marginal durability. The implication that can be drawn from this, therefore, is that Camp David's success was determined not only by its agreement, but also by its re-entry and durability. Hence, the framework, while not perhaps providing a breakthrough in illustrating a new approach to establishing 'what success is', does, in its tracing of the phases of an agreement, provide an insight into what defines a successful outcome within the transitory zone of conflict settlement.

In order to investigate the postulations housed within the success continuum, it is important to consider them by way of case studies of actual mediation episodes. Given the weaknesses of empirically measured indicators of success and the qualitative nature of analysis suggested by the framework, case studies serve as a particularly useful tool for investigating the merits of the theoretical suppositions presented thus far. By comprehensively investigating two particular cases of international mediation, it is hoped that the theories under consideration can be developed and discussed in the interests of further developing our understanding of,

and questions regarding, the nature of success. In doing so, it is hoped that by both introducing a real world subject and utilising a theoretical perspective to determine what broad lessons may be learned from a given case study, the integrity of the project will be reinforced. Case studies chosen must be complex enough to challenge our conceptions of success, and ambiguous enough in their apparent results to justify the need for their investigation.

Of course, the theories developed in the preceding chapter were born out of a consideration of an array of approaches to understanding mediation outcomes and success. As such, it is important that those approaches are also considered in the assessment of the chosen cases. By applying such a range of approaches to the same mediatory episodes it is hoped that the evaluatory impact of such different approaches (often ill defined at study outset) on our understanding of mediation outcomes and, hence, our conceptions of success or failure, will become evident. In considering the merits and/or failings of these approaches, observations regarding the merit of the developed framework will also be granted greater context. Thus, before investigating the merits of the framework itself, each case will be assessed on the basis of the following approaches: the idea of mediation itself as success; the neo-realist, conflict resolution and behavioural assessment schools of thought; and the goal assessment approach.

The cases chosen are those of the Camp David mediations between Israel and Egypt in 1979 and the Oslo process which involved Israel and the PLO in 1993. These cases were chosen for a number of reasons. Firstly, although involving different parties, the two episodes were both part of the same greater conflict situation,

providing a certain continuity that, while not essential, may provide for some interesting insights. Secondly, while both were high profile cases, and trumpeted as notable breakthroughs at their conclusions, there is also much criticism of each process, and the merits of the outcomes they secured are open to debate. This contention is ideal, particularly for the purposes of discussing the continuum framework. Mediation agreements too obviously successes or failures would not provide a rigorous enough testing ground for the approaches in question. It is important to assess mediation outcomes that may be seen as residing in the transitory zone of the continuum, if one is to assess success at its origins. Furthermore, despite the many similarities between the two processes, there are enough differences in issues, participants and timing to ensure simple replication for discussion is avoided. Finally, while both conflicts were clearly ripe for attempting mediation, there is little to suggest that the mediation episodes themselves were redundant.

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**CONCLUSIONS**

This thesis was undertaken with the intent of producing a rudimentary framework to assist in developing a better understanding of what success entails in the context of mediation. For anyone with an interest in either the field of conflict management or the study of ongoing conflicts, it is suggested that such an understanding may be vital for the development of quality mediation evaluation and, by extension, the improvement of mediation practices themselves.

Too often, success is not explicitly addressed in the conflict management literature, but is instead couched in abstraction, assumption and the arbitrary delineations required to enable quantitative empirical analysis. Furthermore, a number of approaches to the evaluation of mediation episodes are discussed herein, all of which provide some difficulties for the student attempting to more clearly discern the nature of success. Some promulgate the utilization of abstraction while others rely on interpreting the often clouded goals of participants. Furthermore, some dichotomously opposed approaches (such as that suggesting the possibility of interpreting outcomes as discrete events or evolutionary processes) are capable of providing very different interpretations of a given event. These problems are in part derived from the fundamental difficulties associated with evaluating phenomena in the social science. Our inability to control and replicate the conditions of the event under evaluation means that any evaluation undertaken will be largely observational, and thus, cannot hope to be as systematic as might be possible in a more physical (experimental) scientific setting. However, this should be seen not as an insurmountable obstacle, or

an excuse to fall back on inadequate approaches, but rather as a challenge for those with an interest in the field.

With this in mind, these considerations regarding the difficulties of social science evaluation and the problems of approaches to success in the conflict management field were taken into account in the creation of a theoretical framework intent on providing an alternative approach to addressing the issues associated with success. At its heart are two major suppositions. Firstly, it is suggested that success is not a singular phenomena or part of a clearly defined dichotomy with failure. Secondly, it is further suggested that mediation episodes must not be assessed at the point of agreement, or indeed at any pre-ordained point in their development, but instead must be evaluated as an ongoing developmental process if one is to perform the sort of comprehensive evaluation required to get to the heart of what success may entail.

In developing the first concept, an arcing continuum was created with failure at one end and success at the other. In order to acknowledge the fact that success is indeed not an absolutely clearly defined phenomena, the center of the arc was identified as a transitory zone within which success at its most modest and failure at its most marginal reside. By considering the determinant factors that might separate one from the other within that zone, it was suggested an understanding of success at its most modest (its basic 'requirements' in other words) could be attained. To provide a practical context, failure was identified as the lack of an agreement, success as comprehensive resolution and settlement as residing within the transitory zone. This provided a practical context within which to frame possible determinant factors.



In investigating these factors, the second basic supposition of the thesis came into play. By identifying an array of possible indicators for explaining what may separate success from failure, a developmental process of analysis from conflict and agreement, through re-entry and impact and on to durability was developed. This in turn suggested that mediation outcomes would indeed be best assessed in keeping with their evolutionary nature. Thus, in operationalizing the framework conflict agreements were traced along this line of progression, with consideration made of what developments at each stage of the process may mean for their success or failure. In pursuing this undertaking (in conjunction with several other approaches, intended to grant context to results), a number of observations were made and conclusions reached regarding the nature of success as part of a continuum and, most notably, regarding the idea of mediation outcomes as ongoing, evolutionary processes.

Although not ultimately providing the clear definition for success, the arc framework does provide an understanding of success as part of a continuum of possible mediation outcomes. This understanding is given some credence by the case studies undertaken. While one was ultimately suggested to be a success, and the other a failure, neither Camp David nor Oslo could be suggested to be without mitigating factors that moderated their respective outcomes. Few would suggest Camp David was a completely ideal outcome, while it would be a harsh critic that suggested the Oslo process didn't have some redeeming features, if only in its early stages. Hence, the supposition that such conflict outcomes should be seen as existing on a continuum ranging from abject failure to total success seems justified.

The application of the indicators of failure to reach an agreement, settlement and resolution seems justified also. While both conflicts were shy of what might be considered true resolution, both included agreements suggesting them as conflict settlements. Thus, the placement of settlement within the transitory zone of the continuum was reinforced, given the divergent outcomes of the two cases.

The concept of the transitory zone itself, however, proves somewhat problematic. The initial motivation behind the idea was that while some outcomes may be relatively easily identified as success or failure, many inhabit a gray area where there may be little to separate the two. Thus, it was suggested that by discerning what separated success from failure within this zone would serve to indicate success at its earliest point on the continuum and, thus, what success was. However, this proved more difficult than was initially expected.

In operationalizing the framework to establish the determinant factors in separating success from failure it had been hoped that a concise, generic description of what success entailed could have been generated. However, this did not eventuate. Thus, it is suggested that such a definitive indicator may not be possible to discern for mediation outcomes in a general sense, with each conflict's unique nature likely to suggest different possibilities. Notwithstanding this, however, there was much of value provided by the operationalization of the framework.

In developing an array of determinant factors for consideration in case studies, it was contested that conflict management outcomes are best assessed as ongoing processes, rather than discrete events. This conclusion was born initially out of

criticism of output analysis and emphasis of the importance of considering the real-world impact of any mediation episode in such evaluation and took shape when the determinant factors under consideration (agreement, re-entry, impact, durability) clearly suggested an ongoing process of assessment. Honeyman's conceptualization of the developmental nature of conflict settlement reinforced this notion.

For the most part, the approach adopted in this thesis was validated by the results of the case studies. While the framework's assessment took into account the possibility of post agreement events impacting on outcomes, behavioral and neo-realist approaches (which did, admittedly, provide similar readings of each case) do not necessarily do so. Although the wise evaluator would arguably wait a period of time before making an assessment under either of these rubrics, they do not themselves provide for it in the manner the framework does. Certainly, an assessment of the Oslo process immediately after Arafat and Rabin's famous handshake may have reached different conclusions about its success or failure than would a similar assessment today. The framework is naturally set up to address this, indicating as it does that an assessment is not complete until all the determinant factors have been assessed. This is particularly important as regards qualitative tests of durability, which necessarily require development in the post agreement environment before assessment is possible.

Although the framework did not provide an absolute set of indicators or explanatory factors for success, it did enable some tentative conclusions in that regard. On one level, one may look at the relationship between Israel and Egypt, and the relationship between Israel and the Palestinians, and suggest that given the relative

improvement of relations with Egypt, Camp David was a success where Oslo was not. Certainly, this conclusion would be in line with that reached under the guidance of the framework. However, by utilizing the framework, it is more fully explained. Both processes resulted in official agreements which, while not providing for complete resolution of their respective conflicts, did provide detailed, seemingly credible means of settlement. However, Camp David, although moderated in re-entry, was eventually enacted reasonably and proved durable, withstanding a number of potential upsets. Oslo, by comparison, could not be disseminated to the people and arguably did not survive the upheavals that threatened it, at least not with functionality attached. Hence, Oslo's impact was made negligible.

Thus, it can be suggested that agreements which may promise successes are not indicators of success on their own. Likewise, impact, while being the 'cornerstone' indicator of success, may actually be dictated by re entry and durability. Hence, it could be suggested that these are the key determinant factors. This is only a preliminary conclusion, and as such it requires further investigation of a wider array of cases. However, it is believed that, in the cases studied, re-entry and durability were in fact the key determinant factors in separating the success of one from the failure of the other.

These tentative conclusions do suggest a number of possibilities for future research however, of which an investigation into determining the importance of re-entry and durability in defining success is only one. As already discussed, the idea of mediation outcomes as evolutionary processes should also perhaps be more widely applied and/or more clearly articulated. The conclusions reached by this approach

arguably justify the use of case by case qualitative analysis over broad quantitative investigations, when considering the sorts of issues tied up in evaluation and the understanding of success. Obviously, quantitative evaluation and empirical data have many valuable uses. However, for the topic at hand, they arguably provide a picture, when one should be looking at the brush strokes. Of course, in addressing the understanding of such a subjective concept as 'success' there will always be difficulties with any qualitative analysis as regards subjectivity and the lack of clear, decisive measures. However, this is no worse a problem than the arbitrariness and 'manufactured precision' that can be associated with the establishment of measures for any attempts at more empirical analysis. Furthermore, with more careful consideration of indicators and their definition, these concerns can be mitigated, if never completely negated.

It is important that any work in a field such as that of conflict management should try to address any practical implications that may arise from a given study. In this case there are several. Firstly, it seems reasonable to suggest that given the results of the two case studies, greater, or more specific, emphasis needs to be placed on ensuring the re entry and durability of mediation agreements. As suggested, these are not necessarily the definitive determinants of a successful outcome, but there is enough to suggest they warrant further consideration in any attempt at mediation. Likewise, observation would suggest that perhaps those involved in policy making as regards mediation might be wise to step away from simplistic conceptions of success as a simple either/or phenomena and mediation outcomes as discrete processes. The former is too rigid to address the range of outcomes possible in the international environment, while if one accepts the value of issues such as re-entry and durability it

is evident the latter is no longer applicable. Of course, as Honeyman indicates, this is somewhat problematic. Stepping away from clearly decipherable outcomes and quick fire assessments is anathema to many in positions of political power.<sup>119</sup> However, particularly as the efforts of organizations such as the United Nations move away from simply brokering ceasefires, to more all encompassing, long term forms of conflict management, such approaches will become more and more out of step with the realities of international conflict management.

Another, more specific observation can be made regarding the failure of Oslo. In suggesting that much of the problem lay with the inability of Arafat to establish the Declaration's agreements within a population base he did not completely control and the associated problems this brought given the high degree of 'ground level' involvement in the conflict, much is implied about the importance of re-entry. With regard to conflicts in which parties do not have well established leadership structures and the population is widely involved (particularly civil wars and other internal strife), re-entry will be problematic and much must therefore be done to ensure that any agreement reached can be spread across a party's divergent strands. This suggests perhaps, that for successful settlement of such conflicts, conflict management must go well beyond the level of the elite, echoing somewhat Lederach's observations regarding the nature of conflict management approaches as they relate to levels of hierarchy within a given community.<sup>120</sup> This is clearly an aspect of conflict management theory that deserves further investigation. It also suggests the possibility that certain determinant factors will likely have differing degrees of importance in different styles of conflict, opening up another possible avenue for future study.

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<sup>119</sup> Honeyman. p. 11-12

<sup>120</sup> Lederach. p. 38-43

Developing a comprehensive understanding of a broad, multi-faceted concept such as success, particularly in a field as fraught with evaluatory pitfalls as that of mediation, is a difficult task indeed. In fact, it is arguably beyond the scope of a single study. However, it is important for the future of mediation research that such an understanding is developed if the academic study of the process is to continue to prove relevant to its practical application. Furthermore, the conclusions and suggestions developed by way of this thesis' framework should be seen as evidence that the task of developing a comprehensive understanding of success in mediation, while admittedly difficult, should not be considered unapproachable.

## APPENDIX

### APPENDIX 1: UNSC RESOLUTIONS 224 *and* 338

#### UNSC Resolution 242, November 27 1967

The Security Council,

**Expressing** its continuing concern with the grave situation in the Middle East,

**Emphasizing** the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every State in the area can live in security,

**Emphasizing** further that all Member States in their acceptance of the Charter of the United Nations have undertaken a commitment to act in accordance with Article 2 of the Charter,

1. Affirms that the fulfillment of Charter principles requires the establishment of a just and lasting peace in the Middle East which should include the application of both the following principles:
  - Withdrawal of Israeli armed forces from territories occupied in the recent conflict;
  - Termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force;
2. Affirms further the necessity
  - For guaranteeing freedom of navigation through international waterways in the area;
  - For achieving a just settlement of the refugee problem;
  - For guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones;
3. Requests the Secretary General to designate a Special Representative to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in this resolution;
4. Requests the Secretary-General to report to the Security Council on the progress of the efforts of the Special Representative as soon as possible.



**UNSC Resolution 338, October 22, 1973****The Security Council,**

1. Calls upon all parties to present fighting to cease all firing and terminate all military activity immediately, no later than 12 hours after the moment of the adoption of this decision, in the positions after the moment of the adoption of this decision, in the positions they now occupy;
2. Calls upon all parties concerned to start immediately after the cease-fire the implementation of Security Council Resolution 242 (1967) in all of its parts;
3. Decides that, immediately and concurrently with the cease-fire, negotiations start between the parties concerned under appropriate auspices aimed at establishing a just and durable peace in the Middle East

## APPENDIX 2: THE CAMP DAVID ACCORDS AND SUBSEQUENT PEACE TREATY

### *The Framework For Peace In The Middle East, September 17, 1978*

#### **Preamble**

The search for peace in the Middle East must be guided by the following:

- The agreed basis for a peaceful settlement of the conflict between Israel and its neighbors is United Nations Security Council Resolution 242, in all its parts.
- After four wars during 30 years, despite intensive human efforts, the Middle East, which is the cradle of civilization and the birthplace of three great religions, does not enjoy the blessings of peace. The people of the Middle East yearn for peace so that the vast human and natural resources of the region can be turned to the pursuits of peace and so that this area can become a model for coexistence and cooperation among nations.
- The historic initiative of President Sadat in visiting Jerusalem and the reception accorded to him by the parliament, government and people of Israel, and the reciprocal visit of Prime Minister Begin to Ismailia, the peace proposals made by both leaders, as well as the warm reception of these missions by the peoples of both countries, have created an unprecedented opportunity for peace which must not be lost if this generation and future generations are to be spared the tragedies of war.
- The provisions of the Charter of the United Nations and the other accepted norms of international law and legitimacy now provide accepted standards for the conduct of relations among all states.
- To achieve a relationship of peace, in the spirit of Article 2 of the United Nations Charter, future negotiations between Israel and any neighbor prepared to negotiate peace and security with it are necessary for the purpose of carrying out all the provisions and principles of Resolutions 242 and 338.
- Peace requires respect for the sovereignty, territorial integrity and political independence of every state in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force. Progress toward that goal can accelerate movement toward a new era of reconciliation in the Middle East marked by cooperation in promoting economic development, in maintaining stability and in assuring security.
- Security is enhanced by a relationship of peace and by cooperation between nations which enjoy normal relations. In addition, under the terms of peace treaties, the parties can, on the basis of reciprocity, agree to special security arrangements such as demilitarized zones, limited armaments areas, early warning stations, the presence of international forces, liaison, agreed measures for monitoring and other arrangements that they agree are useful.

#### **Framework**

Taking these factors into account, the parties are determined to reach a just, comprehensive, and durable settlement of the Middle East conflict through the conclusion of peace treaties based on Security Council resolutions 242 and 338 in all their parts. Their purpose is to achieve peace and good neighborly relations. They recognize that for peace to endure, it must involve all those who have been most deeply affected by the conflict. They therefore agree that this framework, as appropriate, is intended by them to constitute a basis for peace not only between Egypt and Israel, but also between Israel and each of its other neighbors which is prepared to negotiate peace with Israel on this basis. With that objective in mind, they have agreed to proceed as follows:

#### **A. West Bank and Gaza**

1. Egypt, Israel, Jordan and the representatives of the Palestinian people should participate in negotiations on the resolution of the Palestinian problem in all its aspects. To achieve that objective, negotiations relating to the West Bank and Gaza should proceed in three stages:

- a. Egypt and Israel agree that, in order to ensure a peaceful and orderly transfer of authority, and taking into account the security concerns of all the parties, there should be transitional arrangements for the West Bank and Gaza for a period not exceeding five years. In order to provide full autonomy to the inhabitants, under these arrangements the Israeli military government and its civilian administration will be withdrawn as soon as a self-governing authority has been freely elected by the inhabitants of these areas to replace the existing military government. To negotiate the details of a transitional arrangement, Jordan will be invited to join the negotiations on the basis of this framework. These new arrangements should give due consideration both to the principle of self-government by the inhabitants of these territories and to the legitimate security concerns of the parties involved.
- b. Egypt, Israel, and Jordan will agree on the modalities for establishing elected self-governing authority in the West Bank and Gaza. The delegations of Egypt and Jordan may include Palestinians from the West Bank and Gaza or other Palestinians as mutually agreed. The parties will negotiate an agreement which will define the powers and responsibilities of the self-governing authority to be exercised in the West Bank and Gaza. A withdrawal of Israeli armed forces will take place and there will be a redeployment of the remaining Israeli forces into specified security locations. The agreement will also include arrangements for assuring internal and external security and public order. A strong local police force will be established, which may include Jordanian citizens. In addition, Israeli and Jordanian forces will participate in joint patrols and in the manning of control posts to assure the security of the borders.
- c. When the self-governing authority (administrative council) in the West Bank and Gaza is established and inaugurated, the transitional period of five years will begin. As soon as possible, but not later than the third year after the beginning of the transitional period, negotiations will take place to determine the final status of the West Bank and Gaza and its relationship with its neighbors and to conclude a peace treaty between Israel and Jordan by the end of the transitional period. These negotiations will be conducted among Egypt, Israel, Jordan and the elected representatives of the inhabitants of the West Bank and Gaza. Two separate but related committees will be convened, one committee, consisting of representatives of the four parties which will negotiate and agree on the final status of the West Bank and Gaza, and its relationship with its neighbors, and the second committee, consisting of representatives of Israel and representatives of Jordan to be joined by the elected representatives of the inhabitants of the West Bank and Gaza, to negotiate the peace treaty between Israel and Jordan, taking into account the agreement reached in the final status of the West Bank and Gaza. The negotiations shall be based on all the provisions and principles of UN Security Council Resolution 242. The negotiations will resolve, among other matters, the location of the boundaries and the nature of the security arrangements. The solution from the negotiations must also recognize the legitimate right of the Palestinian peoples and their just requirements. In this way, the Palestinians will participate in the determination of their own future through:
  - i. The negotiations among Egypt, Israel, Jordan and the representatives of the inhabitants of the West Bank and Gaza to agree on the final status of the West Bank and Gaza and other outstanding issues by the end of the transitional period.
  - ii. Submitting their agreements to a vote by the elected representatives of the inhabitants of the West Bank and Gaza.
  - iii. Providing for the elected representatives of the inhabitants of the West Bank and Gaza to decide how they shall govern themselves consistent with the provisions of their agreement.
  - iv. Participating as stated above in the work of the committee negotiating the peace treaty between Israel and Jordan.

2. All necessary measures will be taken and provisions made to assure the security of Israel and its neighbors during the transitional period and beyond. To assist in providing such security, a strong local police force will be constituted by the self-governing authority. It will be composed of inhabitants of the West Bank and Gaza. The police will maintain liaison on internal security matters with the designated Israeli, Jordanian, and Egyptian officers.
3. During the transitional period, representatives of Egypt, Israel, Jordan, and the self-governing authority will constitute a continuing committee to decide by agreement on the modalities of admission of persons displaced from the West Bank and Gaza in 1967, together with necessary measures to prevent disruption and disorder. Other matters of common concern may also be dealt with by this committee.
4. Egypt and Israel will work with each other and with other interested parties to establish agreed procedures for a prompt, just and permanent implementation of the resolution of the refugee problem.

B. Egypt-Israel

1. Egypt-Israel undertake not to resort to the threat or the use of force to settle disputes. Any disputes shall be settled by peaceful means in accordance with the provisions of Article 33 of the U.N. Charter.
2. In order to achieve peace between them, the parties agree to negotiate in good faith with a goal of concluding within three months from the signing of the Framework a peace treaty between them while inviting the other parties to the conflict to proceed simultaneously to negotiate and conclude similar peace treaties with a view the achieving a comprehensive peace in the area. The Framework for the Conclusion of a Peace Treaty between Egypt and Israel will govern the peace negotiations between them. The parties will agree on the modalities and the timetable for the implementation of their obligations under the treaty.

C. Associated Principles

1. Egypt and Israel state that the principles and provisions described below should apply to peace treaties between Israel and each of its neighbors - Egypt, Jordan, Syria and Lebanon.
2. Signatories shall establish among themselves relationships normal to states at peace with one another. To this end, they should undertake to abide by all the provisions of the U.N. Charter. Steps to be taken in this respect include:
  - a. full recognition;
  - b. abolishing economic boycotts;
  - c. guaranteeing that under their jurisdiction the citizens of the other parties shall enjoy the protection of the due process of law.
3. Signatories should explore possibilities for economic development in the context of final peace treaties, with the objective of contributing to the atmosphere of peace, cooperation and friendship which is their common goal.
4. Claims commissions may be established for the mutual settlement of all financial claims.
5. The United States shall be invited to participate in the talks on matters related to the modalities of the implementation of the agreements and working out the timetable for the carrying out of the obligations of the parties.
6. The United Nations Security Council shall be requested to endorse the peace treaties and ensure that their provisions shall not be violated. The permanent members of the Security Council shall be requested to underwrite the peace treaties and ensure respect of the provisions. They shall be requested to conform their policies and actions with the undertaking contained in this Framework.

For the Government of the For the Government  
 Arab Republic of Egypt: Muhammed Anwar al-Sadat  
 of Israel: Menachem Begin

Witnessed by: Jimmy Carter, President of the United States of America

## ***Framework For The Conclusion Of A Peace Treaty Between Egypt And Israel, September 17, 1978***

In order to achieve peace between them, Israel and Egypt agree to negotiate in good faith with a goal of concluding within three months of the signing of this framework a peace treaty between them:

It is agreed that:

- The site of the negotiations will be under a United Nations flag at a location or locations to be mutually agreed.
- All of the principles of U.N. Resolution 242 will apply in this resolution of the dispute between Israel and Egypt.
- Unless otherwise mutually agreed, terms of the peace treaty will be implemented between two and three years after the peace treaty is signed.
- The following matters are agreed between the parties:
  1. the full exercise of Egyptian sovereignty up to the internationally recognized border between Egypt and mandated Palestine;
  2. the withdrawal of Israeli armed forces from the Sinai;
  3. the use of airfields left by the Israelis near al-Arish, Rafah, Ras en-Naqb, and Sharm el-Sheikh for civilian purposes only, including possible commercial use only by all nations;
  4. the right of free passage by ships of Israel through the Gulf of Suez and the Suez Canal on the basis of the Constantinople Convention of 1888 applying to all nations; the Strait of Tiran and Gulf of Aqaba are international waterways to be open to all nations for unimpeded and nonsuspendable freedom of navigation and overflight;
  5. the construction of a highway between the Sinai and Jordan near Eilat with guaranteed free and peaceful passage by Egypt and Jordan; and
  6. the stationing of military forces listed below.

### **Stationing of Forces**

- No more than one division (mechanized or infantry) of Egyptian armed forces will be stationed within an area lying approximately 50 km. (30 miles) east of the Gulf of Suez and the Suez Canal.
- Only United Nations forces and civil police equipped with light weapons to perform normal police functions will be stationed within an area lying west of the international border and the Gulf of Aqaba, varying in width from 20 km. (12 miles) to 40 km. (24 miles).
- In the area within 3 km. (1.8 miles) east of the international border there will be Israeli limited military forces not to exceed four infantry battalions and United Nations observers.
- Border patrol units not to exceed three battalions will supplement the civil police in maintaining order in the area not included above.
- The exact demarcation of the above areas will be as decided during the peace negotiations.
- Early warning stations may exist to insure compliance with the terms of the agreement.
- United Nations forces will be stationed:
  1. in part of the area in the Sinai lying within about 20 km. of the Mediterranean Sea and adjacent to the international border, and
  2. in the Sharm el-Sheikh area to insure freedom of passage through the Strait of Tiran; and these forces will not be removed unless such removal is approved by the Security Council of the United Nations with a unanimous vote of the five permanent members.
- After a peace treaty is signed, and after the interim withdrawal is complete, normal relations will be established between Egypt and Israel, including full recognition, including diplomatic, economic and cultural relations; termination of economic boycotts and barriers to the free movement of goods and people; and mutual protection of citizens by the due process of law.

### **Interim Withdrawal**

Between three months and nine months after the signing of the peace treaty, all Israeli forces will withdraw east of a line extending from a point east of El-Arish to Ras Muhammad, the exact location of this line to be determined by mutual agreement.

For the Government of the For the Government  
Arab Republic of Egypt: Muhammed Anwar al-Sadat  
of Israel: Menachem Begin

Witnessed by: Jimmy Carter, President of the United States of America

### ***Peace Treaty Between Israel And Egypt, March 26, 1979***

The Government of the Arab Republic of Egypt and the Government of the State of Israel;

#### **PREAMBLE**

Convinced of the urgent necessity of the establishment of a just, comprehensive and lasting peace in the Middle East in accordance with Security Council Resolutions 242 and 338;

Reaffirming their adherence to the "Framework for Peace in the Middle East Agreed at Camp David," dated September 17, 1978;

Noting that the aforementioned Framework as appropriate is intended to constitute a basis for peace not only between Egypt and Israel but also between Israel and each of its other Arab neighbors which is prepared to negotiate peace with it on this basis;

Desiring to bring to an end the state of war between them and to establish a peace in which every state in the area can live in security;

Convinced that the conclusion of a Treaty of Peace between Egypt and Israel is an important step in the search for comprehensive peace in the area and for the attainment of settlement of the Arab-Israeli conflict in all its aspects;

Inviting the other Arab parties to this dispute to join the peace process with Israel guided by and based on the principles of the aforementioned Framework;

Desiring as well to develop friendly relations and cooperation between themselves in accordance with the United Nations Charter and the principles of international law governing international relations in times of peace;

Agree to the following provisions in the free exercise of their sovereignty, in order to implement the "Framework for the Conclusion of a Peace Treaty Between Egypt and Israel";

#### **Article I**

1. The state of war between the Parties will be terminated and peace will be established between them upon the exchange of instruments of ratification of this Treaty.

2. Israel will withdraw all its armed forces and civilians from the Sinai behind the international boundary between Egypt and mandated Palestine, as provided in the annexed protocol (Annex I), and Egypt will resume the exercise of its full sovereignty over the Sinai.
3. Upon completion of the interim withdrawal provided for in Annex I, the parties will establish normal and friendly relations, in accordance with Article III (3).

## **Article II**

The permanent boundary between Egypt and Israel in the recognized international boundary between Egypt and the former mandated territory of Palestine, as shown on the map at Annex II, without prejudice to the issue of the status of the Gaza Strip. The Parties recognize this boundary as inviolable. Each will respect the territorial integrity of the other, including their territorial waters and airspace.

## **Article III**

1. The Parties will apply between them the provisions of the Charter of the United Nations and the principles of international law governing relations among states in times of peace. In particular:
  - a. They recognize and will respect each other's sovereignty, territorial integrity and political independence;
  - b. They recognize and will respect each other's right to live in peace within their secure and recognized boundaries;
  - c. They will refrain from the threat or use of force, directly or indirectly, against each other and will settle all disputes between them by peaceful means.
2. Each Party undertakes to ensure that acts or threats of belligerency, hostility, or violence do not originate from and are not committed from within its territory, or by any forces subject to its control or by any other forces stationed on its territory, against the population, citizens or property of the other Party. Each Party also undertakes to refrain from organizing, instigating, inciting, assisting or participating in acts or threats of belligerency, hostility, subversion or violence against the other Party, anywhere, and undertakes to ensure that perpetrators of such acts are brought to justice.
3. The Parties agree that the normal relationship established between them will include full recognition, diplomatic, economic and cultural relations, termination of economic boycotts and discriminatory barriers to the free movement of people and goods, and will guarantee the mutual enjoyment by citizens of the due process of law. The process by which they undertake to achieve such a relationship parallel to the implementation of other provisions of this Treaty is set out in the annexed protocol (Annex III).

## **Article IV**

1. In order to provide maximum security for both Parties on the basis of reciprocity, agreed security arrangements will be established including limited force zones in Egyptian and Israeli territory, and United Nations forces and observers, described in detail as to nature and timing in Annex I, and other security arrangements the Parties may agree upon.
2. The Parties agree to the stationing of United Nations personnel in areas described in Annex I. The Parties agree not to request withdrawal of the United Nations personnel and that these personnel will not be removed unless such removal is approved by the Security Council of the United Nations, with the affirmative vote of the five Permanent Members, unless the Parties otherwise agree.
3. A Joint Commission will be established to facilitate the implementation of the Treaty, as provided for in Annex I.
4. The security arrangements provided for in paragraphs 1 and 2 of this Article may at the request of either party be reviewed and amended by mutual agreement of the Parties.

## **Article V**

1. Ships of Israel, and cargoes destined for or coming from Israel, shall enjoy the right of free passage through the Suez Canal and its approaches through the Gulf of Suez and the Mediterranean Sea on the basis of the Constantinople Convention of 1888, applying to all nations, Israeli nationals, vessels and cargoes, as well as persons, vessels and cargoes destined

for or coming from Israel, shall be accorded non-discriminatory treatment in all matters connected with usage of the canal.

2. The Parties consider the Strait of Tiran and the Gulf of Aqaba to be international waterways open to all nations for unimpeded and non-suspendable freedom of navigation and overflight. The parties will respect each other's right to navigation and overflight for access to either country through the Strait of Tiran and the Gulf of Aqaba.

#### **Article VI**

1. This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties under the Charter of the United Nations.
2. The Parties undertake to fulfill in good faith their obligations under this Treaty, without regard to action or inaction of any other party and independently of any instrument external to this Treaty.
3. They further undertake to take all the necessary measures for the application in their relations of the provisions of the multilateral conventions to which they are parties, including the submission of appropriate notification to the Secretary General of the United Nations and other depositaries of such conventions.
4. The Parties undertake not to enter into any obligation in conflict with this Treaty.
5. Subject to Article 103 of the United Nations Charter in the event of a conflict between the obligation of the Parties under the present Treaty and any of their other obligations, the obligations under this Treaty will be binding and implemented.

#### **Article VII**

1. Disputes arising out of the application or interpretation of this Treaty shall be resolved by negotiations.
2. Any such disputes which cannot be settled by negotiations shall be resolved by conciliation or submitted to arbitration.

#### **Article VIII**

The Parties agree to establish a claims commission for the mutual settlement of all financial claims.

#### **Article IX**

1. This Treaty shall enter into force upon exchange of instruments of ratification.
2. This Treaty supersedes the Agreement between Egypt and Israel of September, 1975.
3. All protocols, annexes, and maps attached to this Treaty shall be regarded as an integral part hereof.
4. The Treaty shall be communicated to the Secretary General of the United Nations for registration in accordance with the provisions of Article 102 of the Charter of the United Nations.

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### ***Annex I - Protocol Concerning Israeli Withdrawal and Security Agreements***

#### **Article I**

##### **Concept of Withdrawal**

1. Israel will complete withdrawal of all its armed forces and civilians from the Sinai not later than three years from the date of exchange of instruments of ratification of this Treaty.
2. To ensure the mutual security of the Parties, the implementation of phased withdrawal will be accompanied by the military measures and establishment of zones set out in this Annex and in Map 1, hereinafter referred to as "the Zones."
3. The withdrawal from the Sinai will be accomplished in two phases:



- a. The interim withdrawal behind the line from east of El-Arish to Ras Mohammed as delineated on Map 2 within nine months from the date of exchange of instruments of ratification of this Treaty.
  - b. The final withdrawal from the Sinai behind the international boundary not later than three years from the date of exchange of instruments of ratification of this Treaty.
4. A Joint Commission will be formed immediately after the exchange of instruments of ratification of this Treaty in order to supervise and coordinate movements and schedules during the withdrawal, and to adjust plans and timetables as necessary within the limits established by paragraph 3, above. Details relating to the Joint Commission are set out in Article IV of the attached Appendix. The Joint Commission will be dissolved upon completion of final Israeli withdrawal from the Sinai.

## Article II

### Determination of Final Lines and Zones

1. In order to provide maximum security for both Parties after the final withdrawal, the lines and the Zones delineated on Map 1 are to be established and organized as follows:
  - a. Zone A
    - i. Zone A is bounded on the east by line A (red line) and on the west by the Suez Canal and the east coast of the Gulf of Suez, as shown on Map 1.
    - ii. An Egyptian armed force of one mechanized infantry division and its military installations, and field fortifications, will be in this Zone.
    - iii. The main elements of that Division will consist of:
      - a. Three mechanized infantry brigades.
      - b. One armed brigade.
      - c. Seven field artillery battalions including up to 126 artillery pieces.
      - d. Seven anti-aircraft artillery battalions including individual surface-to-air missiles and up to 126 anti-aircraft guns of 37 mm and above.
      - e. Up to 230 tanks.
      - f. Up to 480 armored personnel vehicles of all types.
      - g. Up to a total of twenty-two thousand personnel.
  - b. Zone B
    - i. Zone B is bounded by line B (green line) on the east and by line A (red line) on the west, as shown on Map 1.
    - ii. Egyptian border units of four battalions equipped with light weapons and wheeled vehicles will provide security and supplement the civil police in maintaining order in Zone B. The main elements in the four Border Battalions will consist of up to a total of four thousand personnel.
    - iii. Land based, short range, low power, coastal warning points of the border patrol units may be established on the coast of this Zone.
    - iv. There will be in Zone B field fortifications and military installations for the four border battalions.
  - c. Zone C
    - i. Zone C is bounded by line B (green line) on the west and the International Boundary and the Gulf of Aqaba on the east, as shown on Map 1.
    - ii. Only United Nations forces and Egyptian civil police will be stationed in Zone C.
    - iii. The Egyptian civil police armed with light weapons will perform normal police functions within this Zone.
    - iv. The United Nations Force will be deployed within Zone C and perform its functions as defined in Article VI of this annex.
    - v. The United Nations Force will be stationed mainly in camps located within the following stationing areas shown on Map 1, and will establish its precise locations after consultations with Egypt:
      - a. In that part of the area in the Sinai lying within about 20 Km. of the Mediterranean Sea and adjacent to the International Boundary.
      - b. In the Sharm el Sheikh area.
  - d. Zone D

- i. Zone D is bounded by line D (blue line) on the east and the international boundary on the west, as shown on Map 1.
  - ii. In this Zone there will be an Israeli limited force of four infantry battalions, their military installations, and field fortifications, and United Nations observers.
  - iii. The Israeli forces in Zone D will not include tanks, artillery and anti-aircraft missiles except individual surface-to-air missiles.
  - iv. The main elements of the four Israeli infantry battalions will consist of up to 180 armored personnel vehicles of all types and up to a total of four thousand personnel.
2. Access across the international boundary shall only be permitted through entry check points designated by each Party and under its control. Such access shall be in accordance with laws and regulations of each country.
3. Only those field fortifications, military installations, forces, and weapons specifically permitted by this Annex shall be in the Zones.

### **Article III**

#### **Aerial Military Regime**

1. Flights of combat aircraft and reconnaissance flights of Egypt and Israel shall take place only over Zones A and D, respectively.
2. Only unarmed, non-combat aircraft of Egypt and Israel will be stationed in Zones A and D, respectively.
3. Only Egyptian unarmed transport aircraft will take off and land in Zone B and up to eight such aircraft may be maintained in Zone B. The Egyptian border unit... may be equipped with unarmed helicopters to perform their functions in Zone B.
4. The Egyptian civil police may be equipped with unarmed police helicopters to perform normal police functions in Zone C.
5. Only civilian airfields may be built in the Zones.
6. Without prejudice to the provisions of this Treaty, only those military aerial activities specifically permitted by this Annex shall be allowed in the Zones and the airspace above their territorial waters.

### **Article IV**

#### **Naval Regime**

1. Egypt and Israel may base and operate naval vessels along the coasts of Zones A and D, respectively.
2. Egyptian coast guard boats, lightly armed, may be stationed and operate in the territorial waters of Zone B to assist the border units in performing their functions in this Zone.
3. Egyptian civil police equipped with light boats, lightly armed, shall perform normal police functions within the territorial waters of Zone C.
4. Nothing in this Annex shall be considered as derogating from the right of innocent passage of the naval vessels of either party.
5. Only civilian maritime ports and installations may be built in the Zones.
6. Without prejudice to the provisions of this Treaty, only those naval activities specifically permitted by this Annex shall be allowed in the Zones and in their territorial waters.

### **Article V**

#### **Early Warning Systems**

Egypt and Israel may establish and operate early warning systems only in Zones A and D respectively.

## Article VI

### United Nations Operations

1. The Parties will request the United Nations to provide forces and observers to supervise the implementation of this Annex and employ their best efforts to prevent any violation of its terms.
2. With respect to these United Nations forces and observers, as appropriate, the Parties agree to request the following arrangements:
  - a. Operation of check points, reconnaissance patrols, and observation posts along the international boundary and line B, and within Zone C.
  - b. Periodic verification of the implementation of the provisions of this Annex will be carried out not less than twice a month unless otherwise agreed by the Parties.
  - c. Additional verifications within 48 hours after the receipt of a request from either Party.
  - d. Ensuring the freedom of navigation through the Strait of Tiran in accordance with Article V of the Treaty of Peace.
3. The arrangements described in this article for each zone will be implemented in ones A, B, and C by the United Nations Force and in Zone D by the United Nations Observers.
4. United Nations verification teams shall be accompanied by liaison officers of the respective Party.
5. The United Nations Force and observers will report their findings to both Parties.
6. The United Nations Force and Observers operating in the Zones will enjoy freedom of movement and other facilities necessary for the performance of their tasks.
7. The United Nations Force and Observers are not empowered to authorize the crossing of the international boundary.
8. The Parties shall agree on the nations from which the United Nations Force and Observers will be drawn. They will be drawn from nations other than those which are permanent members of the United Nations Security Council.
9. The Parties agree that the United Nations should make those command arrangements that will best assure the effective implementation of its responsibilities.

## Article VII

### Liaison System

1. Upon dissolution of the Joint Commission, a liaison system between the Parties will be established. This liaison system is intended to provide an effective method to assess progress in the implementation of obligations under the present Annex and to resolve any problem that may arise in the course of implementation, and refer other unresolved matters to the higher military authorities of the two countries respectively for consideration. It is also intended to prevent situations resulting from errors or misinterpretation on the part of either Party.
2. An Egyptian liaison office will be established in the city of El-Arish and an Israeli liaison office will be established in the city of Beer-Sheba. Each office will be headed by an officer of the respective country, and assisted by a number of officers.
3. A direct telephone link between the two offices will be set up and also direct telephone lines with the United Nations command will be maintained by both offices.

## Article VIII

### Respect for War Memorials

Each Party undertakes to preserve in good condition the War Memorials erected in the memory of soldiers of the other Party, namely those erected by Egypt in Israel, and shall permit access to such monuments.

## Article IX

### Interim Arrangements

The withdrawal of Israeli armed forces and civilians behind the interim withdrawal line, and the conduct of the forces of the Parties and the United Nations prior to the final withdrawal, will be governed by the attached Appendix and Map 2.

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## Appendix to Annex I-Organization of Movements in the Sinai

### Article I

#### Principles of Withdrawal

1. The withdrawal of Israeli armed forces and civilians from the Sinai will be accomplished in two phases as described in Article I of Annex I. The description and timing of the withdrawal are included in this Appendix. The Joint Commission will develop and present to the Chief Coordinator of the United Nations forces in the Middle East the details of these phases not later than one month before the initiation of each phase of withdrawal.
2. Both parties agree on the following principles for the sequences of military movements.
  - a. Notwithstanding the provisions of Article IX, paragraph 2, of this Treaty, until Israeli armed forces complete withdrawal from the current J and M Lines established by the Egyptian-Israeli Agreement of September 1975, hereinafter referred to as the 1975 Agreement, up to the interim withdrawal line, all military arrangements existing under that Agreement will remain in effect, except those military arrangements otherwise provided for in this Appendix.
  - b. As Israeli armed forces withdraw, United Nations forces will immediately enter the evacuated areas to establish interim and temporary buffer zones as shown on Maps 2 and 3, respectively, for the purpose of maintaining a separation of forces. United Nations forces' deployment will precede the movement of any other personnel into these areas.
  - c. Within a period of seven days after Israeli armed forces have evacuated any area located in Zone A, units of Egyptian armed forces shall deploy in accordance with the provisions of Article II of this Appendix.
  - d. Within a period of seven days after Israeli armed forces have evacuated any area located in Zones A or B, Egyptian border units shall deploy in accordance with the provisions of Article II of this Appendix, and will function in accordance with the provisions of Article II of Annex I.
  - e. Egyptian civil police will enter evacuated areas immediately after the United Nations forces to perform normal police functions.
  - f. Egyptian naval units shall deploy in the Gulf of Suez in accordance with the provisions of Article II of this Appendix.
  - g. Except those movements mentioned above, deployments of Egyptian armed forces and the activities covered in Annex I will be offered in the evacuated areas when Israeli armed forces have completed their withdrawal behind the interim withdrawal line.

### Article II

#### Subphases of the Withdrawal to the Interim Withdrawal Line

1. The withdrawal to the interim withdrawal line will be accomplished in subphases as described in this Article and as shown on
2. Upon completion of the interim withdrawal any declaration of national emergency by a party under Article 89 of the Chicago Convention will not be applied to the other party on a discriminatory basis.
3. Egypt agrees that the use of airfields left by Israel near El-Arish, Rafah, Ras El-Nagb and Sharm El-Sheikh shall be for civilian purposes only, including possible commercial use by all nations.

4. As soon as possible and not later than six months after the completion of the interim withdrawal, the Parties shall enter into negotiations for the purpose of concluding a civil aviation agreement.
5. The Parties will reopen and maintain roads and railways between their countries and will consider further road and rail links. The Parties further agree that a highway will be constructed and maintained between Egypt, Israel and Jordan near Eilat with guaranteed free and peaceful passage of persons, vehicles and goods between Egypt and Jordan, without prejudice to their sovereignty over that part of the highway which falls within their respective territory.
6. Upon completion of the interim withdrawal, normal postal, telephone, telex, data facsimile, wireless and cable communications and television relay services by cable, radio and satellite shall be established between the two Parties in accordance with all relevant international conventions and regulations.
7. Upon completion of the interim withdrawal, each Party shall grant normal access to its ports for vessels and cargoes of the other, as well as vessels and cargoes destined for or coming from the other. Such access will be granted on the same conditions generally applicable to vessels and cargoes of other nations. Article 5 of the Treaty of Peace will be implemented upon the exchange of instruments of ratification of the aforementioned treaty.

#### **Article 7 - Enjoyment of Human Rights**

The Parties affirm their commitment to respect and observe human rights and fundamental freedoms for all, and they will promote these rights and freedoms in accordance with the United Nations Charter.

#### **Article 8 - Territorial Seas**

Without prejudice to the provisions of Article 5 of the Treaty of Peace each Party recognizes the right of the vessels of the other Party to innocent passage through its territorial sea in accordance with the rules of international law.

## **APPENDIX 3: THE OSLO ACCORDS**

### ***Declaration Of Principles On Interim Self-Governemnt Arrangements,* September 13, 1993**

The Government of the State of Israel and the PLO team (in the Jordanian-Palestinian delegation to the Middle East Peace Conference) (the "Palestinian Delegation"), representing the Palestinian people, agree that it is time to put an end to decades of confrontation and conflict, recognize their mutual legitimate and political rights, and strive to live in peaceful coexistence and mutual dignity and security and achieve a just, lasting and comprehensive peace settlement and historic reconciliation through the agreed political process. Accordingly, the two sides agree to the following principles:

#### **Article I**

##### **AIM OF THE NEGOTIATIONS**

The aim of the Israeli-Palestinian negotiations within the current Middle East peace process is, among other things, to establish a Palestinian Interim Self-Government Authority, the elected Council (the "Council"), for the Palestinian people in the West Bank and the Gaza Strip, for a transitional period not exceeding five years, leading to a permanent settlement based on Security Council resolutions 242 (1967) and 338 (1973). It is understood that the interim arrangements are an integral part of the whole peace process and that the negotiations on the permanent status will lead to the implementation of Security Council resolutions 242 (1967) and 338 (1973).

#### **Article II**

##### **FRAMEWORK FOR THE INTERIM PERIOD**

The agreed framework for the interim period is set forth in this Declaration of Principles.

#### **Article III**

##### **ELECTIONS**

1. In order that the Palestinian people in the West Bank and Gaza Strip may govern themselves according to democratic principles, direct, free and general political elections will be held for the Council under agreed supervision and international observation, while the Palestinian police will ensure public order.
2. An agreement will be concluded on the exact mode and conditions of the elections in accordance with the protocol attached as Annex I, with the goal of holding the elections not later than nine months after the entry into force of this Declaration of Principles.
3. These elections will constitute a significant interim preparatory step toward the realization of the legitimate rights of the Palestinian people and their just requirements.

#### **Article IV**

##### **JURISDICTION**

Jurisdiction of the Council will cover West Bank and Gaza Strip territory, except for issues that will be negotiated in the permanent status negotiations. The two sides view the West Bank and the Gaza Strip as a single territorial unit, whose integrity will be preserved during the interim period.

## **Article V**

### **TRANSITIONAL PERIOD AND PERMANENT STATUS NEGOTIATIONS**

1. The five-year transitional period will begin upon the withdrawal from the Gaza Strip and Jericho area.
2. Permanent status negotiations will commence as soon as possible, but not later than the beginning of the third year of the interim period, between the Government of Israel and the Palestinian people's representatives.
3. It is understood that these negotiations shall cover remaining issues, including: Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with other neighbours, and other issues of common interest.
4. The two parties agree that the outcome of the permanent status negotiations should not be prejudiced or preempted by agreements reached for the interim period.

## **Article VI**

### **PREPARATORY TRANSFER OF POWERS AND RESPONSIBILITIES**

1. Upon the entry into force of this Declaration of Principles and the withdrawal from the Gaza Strip and the Jericho area, a transfer of authority from the Israeli military government and its Civil Administration to the authorized Palestinians for this task, as detailed herein, will commence. This transfer of authority will be of a preparatory nature until the inauguration of the Council.
2. Immediately after the entry into force of this Declaration of Principles and the withdrawal from the Gaza Strip and Jericho area, with the view to promoting economic development in the West Bank and Gaza Strip, authority will be transferred to the Palestinians in the following spheres: education and culture, health, social welfare, direct taxation and tourism. The Palestinian side will commence in building the Palestinian police force, as agreed upon. Pending the inauguration of the Council, the two parties may negotiate the transfer of additional powers and responsibilities, as agreed upon.

## **Article VII**

### **INTERIM AGREEMENT**

1. The Israeli and Palestinian delegations will negotiate an agreement on the interim period (the "Interim Agreement").
2. The Interim Agreement shall specify, among other things, the structure of the Council, the number of its members, and the transfer of powers and responsibilities from the Israeli military government and its Civil Administration to the Council. The Interim Agreement shall also specify the Council's executive authority, legislative authority in accordance with Article IX below, and the independent Palestinian judicial organs.
3. The Interim Agreement shall include arrangements, to be implemented upon the inauguration of the Council, for the assumption by the Council of all of the powers and responsibilities transferred previously in accordance with Article VI above.
4. In order to enable the Council to promote economic growth, upon its inauguration, the Council will establish, among other things, a Palestinian Electricity Authority, a Gaza Sea Port Authority, a Palestinian Development Bank, a Palestinian Export Promotion Board, a Palestinian Environmental Authority, a Palestinian Land Authority and a Palestinian Water Administration Authority and any other Authorities agreed upon, in accordance with the Interim Agreement, that will specify their powers and responsibilities.
5. After the inauguration of the Council, the Civil Administration will be dissolved, and the Israeli military government will be withdrawn.

## **Article VIII**

### **PUBLIC ORDER AND SECURITY**

In order to guarantee public order and internal security for the Palestinians of the West Bank and the Gaza Strip, the Council will establish a strong police force, while Israel will continue to carry the responsibility for defending against external threats, as well as the responsibility for overall security of Israelis for the purpose of safeguarding their internal security and public order.

## **Article IX**

### **LAWS AND MILITARY ORDERS**

1. The Council will be empowered to legislate, in accordance with the Interim Agreement, within all authorities transferred to it.
2. Both parties will review jointly laws and military orders presently in force in remaining spheres.

## **Article X**

### **JOINT ISRAELI-PALESTINIAN LIAISON COMMITTEE**

In order to provide for a smooth implementation of this Declaration of Principles and any subsequent agreements pertaining to the interim period, upon the entry into force of this Declaration of Principles, a Joint Israeli-Palestinian Liaison Committee will be established in order to deal with issues requiring coordination, other issues of common interest and disputes.

## **Article XI**

### **ISRAELI-PALESTINIAN COOPERATION IN ECONOMIC FIELDS**

Recognizing the mutual benefit of cooperation in promoting the development of the West Bank, the Gaza Strip and Israel, upon the entry into force of this Declaration of Principles, an Israeli-Palestinian Economic Cooperation Committee will be established in order to develop and implement in a cooperative manner the programmes identified in the protocols attached as Annex III and Annex IV.

## **Article XII**

### **LIAISON AND COOPERATION WITH JORDAN AND EGYPT**

The two parties will invite the Governments of Jordan and Egypt to participate in establishing further liaison and cooperation arrangements between the Government of Israel and the Palestinian representatives, on the one hand, and the Governments of Jordan and Egypt, on the other hand, to promote cooperation between them. These arrangements will include the constitution of a Continuing Committee that will decide by agreement on the modalities of admission of persons displaced from the West Bank and Gaza Strip in 1967, together with necessary measures to prevent disruption and disorder. Other matters of common concern will be dealt with by this Committee.

## **Article XIII**

### **REDEPLOYMENT OF ISRAELI FORCES**

1. After the entry into force of this Declaration of Principles, and not later than the eve of elections for the Council, a redeployment of Israeli military forces in the West Bank and the Gaza Strip will take place, in addition to withdrawal of Israeli forces carried out in accordance with Article XIV.
2. In redeploying its military forces, Israel will be guided by the principle that its military forces should be redeployed outside populated areas.
3. Further redeployments to specified locations will be gradually implemented commensurate with the



assumption of responsibility for public order and internal security by the Palestinian police force pursuant to Article VIII above.

#### **Article XIV**

#### **ISRAELI WITHDRAWAL FROM THE GAZA STRIP AND JERICHO AREA**

Israel will withdraw from the Gaza Strip and Jericho area, as detailed in the protocol attached as Annex II.

#### **Article XV**

#### **RESOLUTION OF DISPUTES**

1. Disputes arising out of the application or interpretation of this Declaration of Principles, or any subsequent agreements pertaining to the interim period, shall be resolved by negotiations through the Joint Liaison Committee to be established pursuant to Article X above.
2. Disputes which cannot be settled by negotiations may be resolved by a mechanism of conciliation to be agreed upon by the parties.
3. The parties may agree to submit to arbitration disputes relating to the interim period, which cannot be settled through conciliation. To this end, upon the agreement of both parties, the parties will establish an Arbitration Committee.

#### **Article XVI**

#### **ISRAELI-PALESTINIAN COOPERATION CONCERNING REGIONAL PROGRAMMES**

Both parties view the multilateral working groups as an appropriate instrument for promoting a "Marshall Plan", the regional programmes and other programmes, including special programmes for the West Bank and Gaza Strip, as indicated in the protocol attached as Annex IV.

#### **Article XVII**

#### **MISCELLANEOUS PROVISIONS**

1. This Declaration of Principles will enter into force one month after its signing.
2. All protocols annexed to this Declaration of Principles and Agreed Minutes pertaining thereto shall be regarded as an integral part hereof.

DONE at Washington, D.C., this thirteenth day of September 1993.

For the Government of Israel:

(Signed) Shimon PERES

The United States of America

(Signed) Warren CHRISTOPHER

For the PLO:

(Signed) Mahmud ABBAS

The Russian Federation

(Signed) Andrei V. KOZYREV

Witnessed by:

#### **ANNEX I**

#### **Protocol on the Mode and Conditions of Elections**

1. Palestinians of Jerusalem who live there will have the right to participate in the election process, according to an agreement between the two sides.

2. In addition, the election agreement should cover, among other things, the following issues:

(a) The system of elections;

(b) The mode of the agreed supervision and international observation and their personal composition;

(c) Rules and regulations regarding election campaigns, including agreed arrangements for the organizing of mass media, and the possibility of licensing a broadcasting and television station.

3. The future status of displaced Palestinians who were registered on 4 June 1967 will not be prejudiced because they are unable to participate in the election process owing to practical reasons.

## ANNEX II

### **Protocol on Withdrawal of Israeli Forces from the Gaza Strip and Jericho Area**

1. The two sides will conclude and sign within two months from the date of entry into force of this Declaration of Principles an agreement on the withdrawal of Israeli military forces from the Gaza Strip and Jericho area. This agreement will include comprehensive arrangements to apply in the Gaza Strip and the Jericho area subsequent to the Israeli withdrawal.

2. Israel will implement an accelerated and scheduled withdrawal of Israeli military forces from the Gaza Strip and Jericho area, beginning immediately with the signing of the agreement on the Gaza Strip and Jericho area and to be completed within a period not exceeding four months after the signing of this agreement.

3. The above agreement will include, among other things:

(a) Arrangements for a smooth and peaceful transfer of authority from the Israeli military government and its Civil Administration to the Palestinian representatives;

(b) Structure, powers and responsibilities of the Palestinian authority in these areas, except: external security, settlements, Israelis, foreign relations and other mutually agreed matters;

(c) Arrangements for the assumption of internal security and public order by the Palestinian police force consisting of police officers recruited locally and from abroad (holding Jordanian passports and Palestinian documents issued by Egypt). Those who will participate in the Palestinian police force coming from abroad should be trained as police and police officers;

(d) A temporary international or foreign presence, as agreed upon;

(e) Establishment of a joint Palestinian-Israeli Coordination and Cooperation Committee for mutual security purposes;

(f) An economic development and stabilization programme including the establishment of an Emergency Fund, to encourage foreign investment and financial and economic support. Both sides will coordinate and cooperate jointly and unilaterally with regional and international parties to support these aims;

(g) Arrangements for a safe passage for persons and transportation between the Gaza Strip and Jericho area.

4. The above agreement will include arrangements for coordination between both parties regarding passages:

- (a) Gaza - Egypt;
- (b) Jericho - Jordan.

5. The offices responsible for carrying out the powers and responsibilities of the Palestinian authority under this Annex II and Article VI of the Declaration of Principles will be located in the Gaza Strip and in the Jericho area pending the inauguration of the Council.

6. Other than these agreed arrangements, the status of the Gaza Strip and Jericho area will continue to be an integral part of the West Bank and Gaza Strip, and will not be changed in the interim period.

### ANNEX III

#### **Protocol on Israeli-Palestinian Cooperation in Economic and Development Programmes**

The two sides agree to establish an Israeli-Palestinian Continuing Committee for Economic Cooperation, focusing, among other things, on the following:

1. Cooperation in the field of water, including a Water Development Programme prepared by experts from both sides, which will also specify the mode of cooperation in the management of water resources in the West Bank and Gaza Strip, and will include proposals for studies and plans on water rights of each party, as well as on the equitable utilization of joint water resources for implementation in and beyond the interim period.
2. Cooperation in the field of electricity, including an Electricity Development Programme, which will also specify the mode of cooperation for the production, maintenance, purchase and sale of electricity resources.
3. Cooperation in the field of energy, including an Energy Development Programme, which will provide for the exploitation of oil and gas for industrial purposes, particularly in the Gaza Strip and in the Negev, and will encourage further joint exploitation of other energy resources. This Programme may also provide for the construction of a petrochemical industrial complex in the Gaza Strip and the construction of oil and gas pipelines.
4. Cooperation in the field of finance, including a Financial Development and Action Programme for the encouragement of international investment in the West Bank and the Gaza Strip, and in Israel, as well as the establishment of a Palestinian Development Bank.
5. Cooperation in the field of transport and communications, including a Programme, which will define guidelines for the establishment of a Gaza Sea Port Area, and will provide for the establishing of transport and communications lines to and from the West Bank and the Gaza Strip to Israel and to other countries. In addition, this Programme will provide for carrying out the necessary construction of roads, railways, communications lines, etc.
6. Cooperation in the field of trade, including studies, and Trade Promotion Programmes, which will encourage local, regional and interregional trade, as well as a feasibility study of creating free trade zones in the Gaza Strip and in Israel, mutual access to these zones and cooperation in other areas related to trade and commerce.
7. Cooperation in the field of industry, including Industrial Development Programmes, which will provide for the establishment of joint Israeli-Palestinian Industrial Research and Development Centres, will promote Palestinian-Israeli joint ventures, and provide guidelines for cooperation in the textile, food, pharmaceutical, electronics, diamonds, computer and science-based industries.
8. A Programme for cooperation in, and regulation of, labour relations and cooperation in social welfare issues.
9. A Human Resource Development and Cooperation Plan, providing for joint Israeli-Palestinian

workshops and seminars, and for the establishment of joint vocational training centres, research institutes and data banks.

10. An Environmental Protection Plan, providing for joint and/or coordinated measures in this sphere.

11. A Programme for developing coordination and cooperation in the field of communications and media.

12. Any other programmes of mutual interest.

#### ANNEX IV

##### **Protocol on Israeli-Palestinian Cooperation concerning Regional Development Programmes**

1. The two sides will cooperate in the context of the multilateral peace efforts in promoting a Development Programme for the region, including the West Bank and the Gaza Strip, to be initiated by the Group of Seven. The parties will request the Group of Seven to seek the participation in this Programme of other interested States, such as members of the Organisation for Economic Cooperation and Development, regional Arab States and institutions, as well as members of the private sector.

2. The Development Programme will consist of two elements:

(a) An Economic Development Programme for the West Bank and the Gaza Strip;

(b) A Regional Economic Development Programme.

A. The Economic Development Programme for the West Bank and the Gaza Strip will consist of the following elements:

(1) A Social Rehabilitation Programme, including a Housing and Construction Programme;

(2) A Small and Medium Business Development Plan;

(3) An Infrastructure Development Programme (water, electricity, transportation and communications, etc.);

(4) A Human Resources Plan;

(5) Other programmes.

B. The Regional Economic Development Programme may consist of the following elements:

(1) The establishment of a Middle East Development Fund, as a first step, and a Middle East Development Bank, as a second step;

(2) The development of a joint Israeli-Palestinian-Jordanian Plan for coordinated exploitation of the Dead Sea area;

(3) The Mediterranean Sea (Gaza) - Dead Sea Canal;

(4) Regional desalinization and other water development projects;

(5) A regional plan for agricultural development, including a coordinated regional effort for the prevention of desertification;

(6) Interconnection of electricity grids;

(7) Regional cooperation for the transfer, distribution and industrial exploitation of gas, oil and other

energy resources;

(8) A Regional Tourism, Transportation and Telecommunications Development Plan;

(9) Regional cooperation in other spheres.

3. The two sides will encourage the multilateral working groups and will coordinate towards their success. The two parties will encourage inter-sessional activities, as well as pre-feasibility and feasibility studies, within the various multilateral working groups.

**Agreed Minutes to the Declaration of Principles  
on Interim Self-Government Arrangements**

**A. GENERAL UNDERSTANDINGS AND AGREEMENTS**

Any powers and responsibilities transferred to the Palestinians pursuant to the Declaration of Principles prior to the inauguration of the Council will be subject to the same principles pertaining to Article IV, as set out in these Agreed Minutes below.

**B. SPECIFIC UNDERSTANDINGS AND AGREEMENTS**

**Article IV**

It is understood that:

1. Jurisdiction of the Council will cover West Bank and Gaza Strip territory, except for issues that will be negotiated in the permanent status negotiations: Jerusalem, settlements, military locations and Israelis.
2. The Council's jurisdiction will apply with regard to the agreed powers, responsibilities, spheres and authorities transferred to it.

**Article VI (2)**

It is agreed that the transfer of authority will be as follows:

1. The Palestinian side will inform the Israeli side of the names of the authorized Palestinians who will assume the powers, authorities and responsibilities that will be transferred to the Palestinians according to the Declaration of Principles in the following fields: education and culture, health, social welfare, direct taxation, tourism and any other authorities agreed upon.
2. It is understood that the rights and obligations of these offices will not be affected.
3. Each of the spheres described above will continue to enjoy existing budgetary allocations in accordance with arrangements to be mutually agreed upon. These arrangements also will provide for the necessary adjustments required in order to take into account the taxes collected by the direct taxation office.
4. Upon the execution of the Declaration of Principles, the Israeli and Palestinian delegations will immediately commence negotiations on a detailed plan for the transfer of authority on the above offices in accordance with the above understandings.

**Article VII (2)**

The Interim Agreement will also include arrangements for coordination and cooperation.

**Article VII (5)**

The withdrawal of the military government will not prevent Israel from exercising the powers and responsibilities not transferred to the Council.

### Article VIII

It is understood that the Interim Agreement will include arrangements for cooperation and coordination between the two parties in this regard. It is also agreed that the transfer of powers and responsibilities to the Palestinian police will be accomplished in a phased manner, as agreed in the Interim Agreement.

### Article X

It is agreed that, upon the entry into force of the Declaration of Principles, the Israeli and Palestinian delegations will exchange the names of the individuals designated by them as members of the Joint Israeli-Palestinian Liaison Committee. It is further agreed that each side will have an equal number of members in the Joint Committee. The Joint Committee will reach decisions by agreement. The Joint Committee may add other technicians and experts, as necessary. The Joint Committee will decide on the frequency and place or places of its meetings.

### ANNEX II

It is understood that, subsequent to the Israeli withdrawal, Israel will continue to be responsible for external security, and for internal security and public order of settlements and Israelis. Israeli military forces and civilians may continue to use roads freely within the Gaza Strip and the Jericho area.

DONE at Washington, D.C., this thirteenth day of September 1993.

For the Government of Israel:  
(Signed) Shimon PERES

For the PLO:  
(Signed) Mahmud ABBAS

Witnessed By:

The United States of America  
(Signed) Warren CHRISTOPHER

The Russian Federation  
(Signed) Andrei V. KOZYREV

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